



Gc.
974.4
M386p
Ser.2
v.16
1128368

GENEALOGY COLLECTION

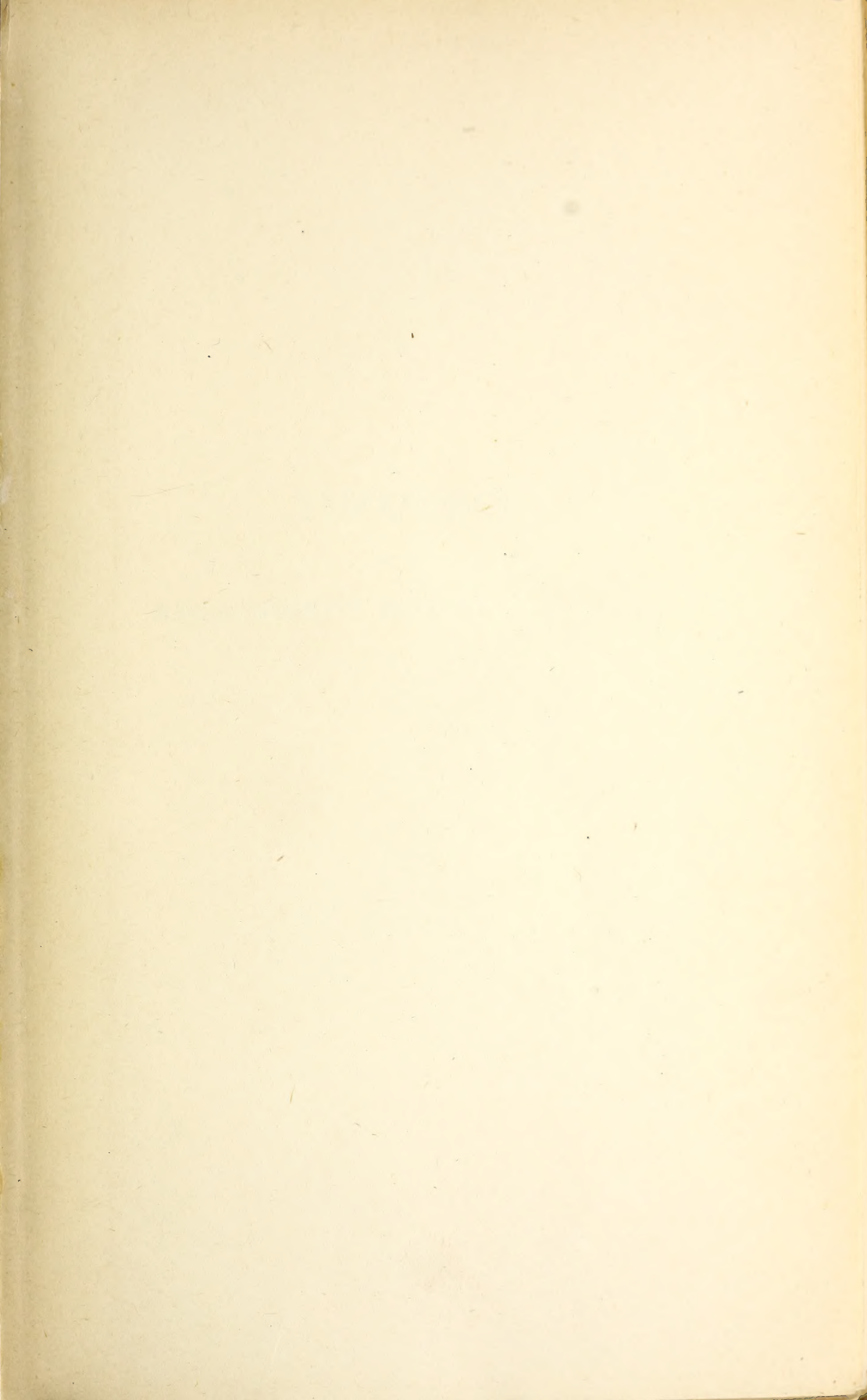
GEN

ALLEN COUNTY PUBLIC LIBRARY



3 1833 00083 7705

GENEALOGY
974.4
M386P
SER.2
v.16





Digitized by the Internet Archive
in 2013

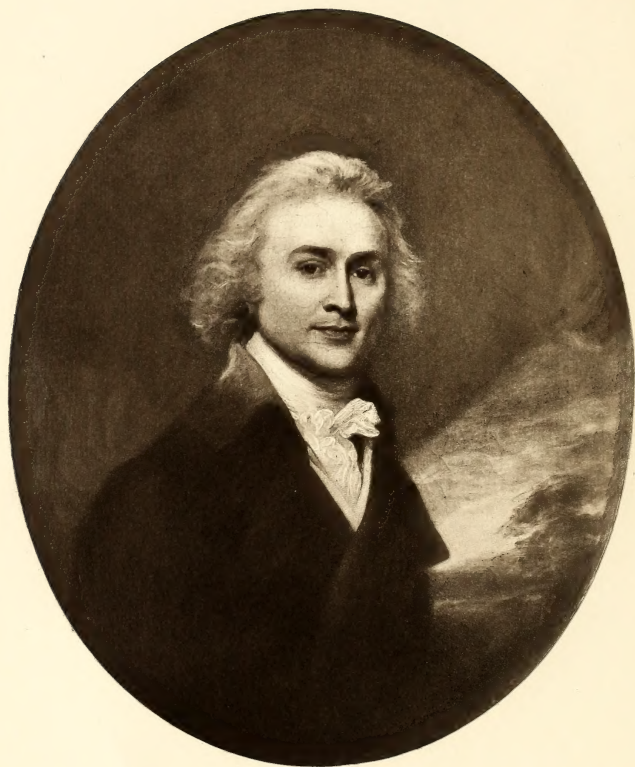
PROCEEDINGS
OF THE
MASSACHUSETTS HISTORICAL SOCIETY.

Committee of Publication.

EDWARD J. YOUNG.

ALEXANDER McKENZIE.

CHARLES C. SMITH.



John Quincy Adams.

PROCEEDINGS
OF THE
Massachusetts Historical Society.

SECOND SERIES. — VOL. XVI.

1902.

Published at the Charge of the Peabody Fund.



BOSTON:
PUBLISHED BY THE SOCIETY.
MDCCCIII.

University Press:
JOHN WILSON AND SON, CAMBRIDGE.

1128368

PREFACE.

SEVERAL of the communications printed in this volume are of unusual length, and it includes therefore the record of only seven meetings, ending with the meeting of December, 1902. Among the more important communications are the exhaustive account of the Registers of Probate for the County of Suffolk, into which our valued and lamented associate, the late JOHN T. HASSAM, had put some of his best work; the very able paper by DANIEL H. CHAMBERLAIN on The Historical Conception of the United States Constitution and Union; the graphic description of New England life at the end of the eighteenth century, contained in the diary of John Quincy Adams; and the minute and thorough account of the life of Rev. John Higginson, by Judge BALDWIN, a Corresponding Member. Much interest attaches also to the letters of James Parker, Richard Lechmere, and Amos Binney; to the extracts from Mr. COOLIDGE's Autobiography; to the account of religious matters on the Piscataqua, by Rev. Dr. DE NORMANDIE; to Mr. FORD's paper on "Moses his Judicials"; and to Mr. NOBLE's paper on Suicide in Massachusetts.

Appropriate tributes to five Resident Members, JAMES B. THAYER, URIEL H. CROCKER, GEORGE B. CHASE, CHARLES G. LORING, and HORACE GRAY, and to one Honorary Member, SAMUEL RAWSON GARDINER, are contained in the volume; and also one Memoir, that of Hon. Lincoln F. Brigham, by SOLOMON LINCOLN.

Special mention should be made here of the excellent work of Miss J. C. Watts (Radeliffe, 1897) in annotating the Diary of J. Q. Adams. Nearly all of the notes were prepared by her, and by her unwearied perseverance she has left almost nothing to be desired as to a knowledge of the various persons mentioned in the text, some of whom left no descendants, and have passed entirely out of memory.

The frontispiece to the volume is a photogravure from a portrait of J. Q. Adams, painted in London by J. S. Copley, in the spring of 1796, and sent by the artist in the early part of the following year as a present to John Adams and his wife. The original, which belongs to C. F. Adams, President of this Society, is now on deposit in the Museum of Fine Arts. The fac-simile of Mr. Adams's signature is from a letter written in July, 1796, to his brother-in-law, T. B. Johnson.

For the Committee,

CHARLES C. SMITH.

BOSTON, May 16, 1903.

CONTENTS.

	PAGE
PREFACE	v
LIST OF ILLUSTRATIONS	xi
OFFICERS ELECTED APRIL 9, 1903	xiii
RESIDENT MEMBERS	xiv
HONORARY AND CORRESPONDING MEMBERS	xvi
MEMBERS DECEASED	xviii

MARCH MEETING, 1902.

Remarks by the PRESIDENT, in announcing the deaths of James B. Thayer and Uriel H. Crocker, Resident Mem- bers, and Samuel R. Gardiner, an Honorary Member. . .	1
Tributes to Samuel R. Gardiner	
By JAMES F. RHODES	3
By EDWARD CHANNING	11
Tributes to James B. Thayer	
By JOHN C. GRAY	13
By S. LOTHROP THORNDIKE	14
Remarks by SAMUEL A. GREEN, in communicating a copy of the will of Mrs. Charlotte A. L. Sibley	20
Paper by JOHN T. HASSAM, on the Registers of Probate for the County of Suffolk, Massachusetts, 1639-1799 . . .	23

ANNUAL MEETING, APRIL, 1902.

	PAGE
Report of the Council	126
Report of the Treasurer	130
Report of the Auditing Committee	143
Report of the Librarian	143
Report of the Cabinet-Keeper	145
Report of the Committee on the Library and Cabinet	147
Officers elected	147
Remarks by MELVILLE M. BIGELOW, on the death of James B. Thayer	148

MAY MEETING, 1902.

Paper by DANIEL H. CHAMBERLAIN, on The Historical Con- ception of the United States Constitution and Union	151
Remarks by GAMALIEL BRADFORD	173
Paper by JAMES DE NORMANDIE, on Some Early Religious Matters at the Piscataqua	175
Paper by JAMES F. HUNNEWELL, on the Condition of Naval Affairs in Boston in 1812	181
Letters from James Parker to Benjamin Franklin, communi- cated by WORTHINGTON C. FORD	186

JUNE MEETING, 1902.

Remarks on the death of George B. Chase	
By the PRESIDENT	233
By CHARLES C. SMITH	235
By DANIEL H. CHAMBERLAIN	237
Remarks by GAMALIEL BRADFORD, on Historic Evolution in Massachusetts	238
Remarks by WILLIAM W. CRAPO, on Gosnold's Voyage	247

OCTOBER MEETING, 1902.

	PAGE
Tributes to Horace Gray and Charles G. Loring	
By the PRESIDENT	251
By SOLOMON LINCOLN	265
By THORNTON K. LOTHROP	268
Paper by WORTHINGTON C. FORD, on "Moses his Judicials"	274
Remarks by CHARLES C. SMITH, in communicating some extracts from the Correspondence of Richard Lechmere	284

NOVEMBER MEETING, 1902.

Remarks by the PRESIDENT, in communicating a Diary of John Quincy Adams, while a law student in Newburyport	291
Some Extracts from an Autobiography, communicated by T. JEFFERSON COOLIDGE	464
Remarks by SAMUEL A. GREEN on the Cardiff Giant	474
Remarks by WILLIAM P. UPHAM on some rare books in short-hand	475

DECEMBER MEETING, 1902.

Paper by SIMEON E. BALDWIN, on Rev. John Higginson, of Salem	478
Paper by JOHN NOBLE, on Suicide in Massachusetts	521
Remarks by GRENVILLE H. NORCROSS, in communicating some letters of John Quincy Adams	532
Memoir of Lincoln F. Brigham, by SOLOMON LINCOLN	535

LIST OF DONORS TO THE LIBRARY	539
INDEX	543

LIST OF ILLUSTRATIONS.

	PAGE
PORTRAIT OF JOHN QUINCY ADAMS	<i>Frontispiece</i>
PORTRAIT OF LINCOLN F. BRIGHAM	535

OFFICERS

OF THE

MASSACHUSETTS HISTORICAL SOCIETY,

ELECTED APRIL 9, 1903.

President.

CHARLES FRANCIS ADAMS, LL.D. LINCOLN.

Vice-Presidents.

SAMUEL A. GREEN, LL.D. BOSTON.

THOMAS JEFFERSON COOLIDGE, LL.D. BOSTON.

Recording Secretary.

EDWARD J. YOUNG, D.D. WALTHAM.

Corresponding Secretary.

HENRY W. HAYNES, A.M. BOSTON.

Treasurer.

CHARLES C. SMITH, A.M. BOSTON.

Librarian.

SAMUEL A. GREEN, LL.D. BOSTON.

Cabinet-Keeper.

HENRY F. JENKS, A.M. CANTON.

Members at Large of the Council.

ANDREW MCFARLAND DAVIS, A.M. CAMBRIDGE.

ARCHIBALD CARY COOLIDGE, Ph.D. CAMBRIDGE.

WILLIAM R. THAYER, A.M. CAMBRIDGE.

S. LOTHROP THORNDIKE, LL.B. WESTON.

JAMES F. HUNNEWELL, A.M. BOSTON.

Additional Member of the Council.

JAMES DE NORMANDIE, D.D. ROXBURY.

RESIDENT MEMBERS,

AT THE DATE OF THE PRINTING OF THIS BOOK, IN THE ORDER OF
THEIR ELECTION.

1860.

Hon. Samuel Abbott Green, LL.D.
Charles Eliot Norton, D.C.L.

1861.

Rev. Edward Everett Hale, D.D.

1865.

Josiah Phillips Quincy, A.M.

1866.

Henry Gardner Denny, A.M.

1867.

Charles Card Smith, A.M.

1871.

Abner Cheney Goodell, A.M.
Edward Doubleday Harris, Esq.

1873.

Winslow Warren, LL.B.
Charles William Eliot, LL.D.

1875.

Charles Francis Adams, LL.D.
William Phineas Upham, A.B.

1876.

Hon. William Everett, LL.D.
Hon. Henry Cabot Lodge, LL.D.

1877.

John Torrey Morse, Jr., A.B.

1878.

Gamaliel Bradford, A.B.
Rev. Edward James Young, D.D.

[xiv]

1879.

Robert Charles Winthrop, Jr., A.M.
Henry Williamson Haynes, A.M.

1880.

Thomas Wentworth Higginson, LL.D.

1881.

Rev. Henry Fitch Jenks, A.M.
Rev. Edmund Farwell Slafter, D.D.
Hon. Stephen Salisbury, A.M.
Rev. Alexander McKenzie, D.D.

1882.

Arthur Lord, A.B.
Frederick Ward Putnam, A.M.
James McKellar Bugbee, Esq.
Rev. Egbert Coffin Smyth, LL.D.

1883.

Rev. Arthur Latham Perry, LL.D.

1884.

Hon. John Elliot Sanford, LL.D.
Edward Channing, Ph.D.

1886.

William Watson Goodwin, D.C.L.
Hon. George Frisbie Hoar, LL.D.
Rev. Alexander Viets Griswold
Allen, D.D.

1887.

Solomon Lincoln, A.M.
Edwin Pliny Seaver, A.M.

1889.

Albert Bushnell Hart, Ph.D.
 Thornton Kirkland Lothrop, LL.B.
 Hon. Henry Stedman Nourse, A.M.

1890.

Henry Fitz-Gilbert Waters, A.M.
 Abbott Lawrence Lowell, LL.B.

1891.

Rev. Samuel Edward Herrick, D.D.
 Hon. Oliver Wendell Holmes, LL.D.
 Henry Pickering Walcott, M.D.

1892.

George Spring Merriam, A.M.

1893.

Hon. Charles Russell Codman, LL.B.
 Barrett Wendell, A.B.
 James Ford Rhodes, LL.D.

1894.

Hon. Edward Francis Johnson, LL.B.
 Henry Walbridge Taft, A.M.
 Rt. Rev. William Lawrence, D.D.
 William Roscoe Thayer, A.M.

1895.

Rev. Morton Dexter, A.M.
 Hon. Thomas Jefferson Coolidge,
 LL.D.
 Hon. William Wallace Crapo, LL.D.

1896.

Hon. Francis Cabot Lowell, A.B.
 Granville Stanley Hall, LL.D.
 Alexander Agassiz, LL.D.
 Hon. James Madison Barker, LL.D.
 Col. Theodore Ayrault Dodge.

1897.

Thomas Corwin Mendenhall, LL.D.
 Rev. Leverett Wilson Spring, D.D.
 Lt. Col. William Roscoe Livermore.
 Hon. Richard Olney, LL.D.
 Lucien Carr, A.M.
 James Schouler, LL.D.

1898.

Hon. John Summerfield Brayton,
 LL.D.
 Rev. George Angier Gordon, D.D.
 John Chipman Gray, LL.D.
 Hon. George Harris Monroe.
 Rev. James De Normandie, D.D.
 Andrew McFarland Davis, A.M.

1899.

Archibald Cary Coolidge, Ph.D.
 John Noble, LL.D.
 Charles Pickering Bowditch, A.M.
 Rev. Edward Henry Hall, D.D.

1900.

James Frothingham Hunnewell,
 A.M.
 Hon. Daniel Henry Chamberlain,
 LL.D.
 Melville Madison Bigelow, LL.D.
 Rev. Elijah Winchester Donald, D.D.

1901.

Thomas Leonard Livermore, A.M.
 Nathaniel Paine, A.M.
 Charles Gross, Ph.D.
 John Osborne Sumner, A.B.
 Arthur Theodore Lyman, A.M.
 Samuel Lothrop Thorndike, A.M.

1902.

Edward Henry Strobel, A.B.
 Henry Lee Higginson, LL.D.
 Brooks Adams, A.B.
 Grenville Howland Norcross, LL.B.
 Edward Hooker Gilbert, A.B.
 John Carver Palfrey, A.M.

1903.

Franklin Benjamin Sanborn, A.B.
 Charles Knowles Bolton, A.B.
 Samuel Savage Shaw, LL.B.
 Ephraim Emerton, Ph.D.
 Waldo Lincoln, A.B.

HONORARY MEMBERS.

1871. David Masson, LL.D. 1880. Theodor Mommsen. 1882. Rt. Hon. William Edward Hartpole Lecky, LL.D. 1887. Hon. Carl Schurz, LL.D.	1896. Rt. Hon. James Bryce, D.C.L. 1899. Rt. Hon. Sir George Otto Trevelyan, Bart., D.C.L. 1901. Pasquale Villari. 1902. Henry Charles Lea, LL.D.
--	---

CORRESPONDING MEMBERS.

1864. Goldwin Smith, D.C.L. 1870. John Foster Kirk, LL.D. 1875. Hon. John Bigelow, LL.D. Hubert Howe Bancroft, A.M. 1877. Gustave Vapereau. 1878. John Austin Stevens, A.B. Joseph Florimond Loubat, LL.D. Charles Henry Hart, LL.B.	1879. Hermann von Holst, Ph.D. Franklin Bowditch Dexter, Litt.D. John Marshall Brown, A.M. Hon. Andrew Dickson White, LL.D. 1880. Sir James McPherson Le Moine. Henry Adams, LL.D. 1881. Rev. Henry Martyn Baird, D.D. 1883. Rev. Charles Richmond Weld, LL.D. 1886. Hon. William Ashmead Courtenay, LL.D.
---	---

1887.

John Andrew Doyle, M.A.

1891.

Abbé Henry Raymond Casgrain,
Litt. D.

Alexander Brown, D.C.L.

1894.

Capt. Alfred Thayer Mahan, D.C.L.

1896.

Sir Leslie Stephen, K.C.B., LL.D.

Hon. James Burrill Angell, LL.D.

William Babcock Weeden, A.M.

Richard Garnett, LL.D.

1897.

Rev. George Park Fisher, D.D.

Woodrow Wilson, LL.D.

Hon. Joseph Hodges Choate, D.C.L.

1898.

Frederic William Maitland, LL.D.

John Franklin Jameson, LL.D.

1899.

Rev. William Cunningham, LL.D.

1900.

Hon. Simeon Eben Baldwin, LL.D.

John Bassett Moore, LL.D.

Hon. John Hay, LL.D.

1901.

Daniel Coit Gilman, LL.D.

Rt. Hon. John Morley, LL.D.

Frederic Harrison, M.A.

Frederic Bancroft, LL.D.

Charles Harding Firth, LL.D.

William James Ashley, M.A.

1902.

Edward Gaylord Bourne, Ph.D.

John Bach McMaster, Litt.D.

Albert Venn Dicey, LL.D.

Edward McCrady, A.B.

Reuben Gold Thwaites, Esq.

John Christopher Schwab, Ph.D.

Worthington Chauncey Ford, Esq.

1903.

Arthur Blake Ellis, LL.B.

Auguste Moireau.

Hon. Horace Davis, LL.D.

MEMBERS DECEASED.

Members who have died, or of whose death information has been received, since the last volume of Proceedings was issued, May 10, 1902, arranged in the order of their election, and with date of death.

Resident.

Hon. Horace Gray, LL.D.	Sept. 15, 1902.
William Sumner Appleton, A.M.	April 28, 1903.
George Bigelow Chase, A.M.	June 2, 1902.
James Elliot Cabot, LL.D.	Jan. 16, 1903.
John Tyler Hassam, A.M.	April 22, 1903.
Hon. John Davis Washburn, LL.B.	April 4, 1903.
Charles Greely Loring, A.M.	Aug. 18, 1902.

[The Resident Membership of Worthington Chauncey Ford, Esq., was terminated, Oct. 10, 1902, by his removal from Massachusetts, and that of Arthur Blake Ellis, LL.B., was terminated, Dec. 11, 1902, by the same cause. Both have been elected Corresponding Members.]

Corresponding.

Joseph Jackson Howard, LL.D.	April 18, 1902.
Hon. Jabez Lamar Monroe Curry, LL.D.	Feb. 12, 1903.
Joseph Williamson, Litt. D.	Dec. 4, 1902.

PROCEEDINGS

OF THE

MASSACHUSETTS HISTORICAL SOCIETY.

MARCH MEETING, 1902.

THE stated meeting was held on Thursday, the 13th instant, at three o'clock, P. M. ; the President, CHARLES FRANCIS ADAMS, LL.D., in the chair.

After the reading of the record of the last meeting and reports from the Librarian and the Corresponding Secretary, the following committees were appointed to report at the Annual Meeting: To nominate officers, Messrs. James Schouler, Solomon Lincoln, and A. Lawrence Lowell; to examine the Treasurer's accounts, Messrs. Arthur Lord and James F. Hunnewell; to examine the Library and Cabinet, Messrs. Morton Dexter, James De Normandie, and S. Lothrop Thorndike.

The President then said: —

It is my ill fortune on this occasion to announce no less than three names stricken by death from our rolls. The first is that of Samuel Rawson Gardiner, prominent on our list for twenty-eight years, — since the November meeting of 1874. Then chosen a Corresponding Member, in 1896 he was transferred to the Honorary roll. He stood fifth on that list at the time of his death, the 23d of February. The other two names are both those of Resident Members: James B. Thayer, whose election into the Society dated back to the 10th of October, 1889, died on the 14th of February, and Uriel Haskell Crocker on the 8th of this month. Mr. Crocker became a member five years earlier than Professor Thayer, on the 14th of February, 1884.

The Honorary Roll of the Society is, by the death of Mr. Gardiner, reduced to seven names. His is the second stricken from it during the current Society year, the death of Bishop Stubbs having been announced by me at our meeting in May last.

It was not customary formerly, except in very exceptional cases, to take notice of the death of either an Honorary or a Corresponding member. Under the rule now in vogue covering the selection of Honorary Members, a different practice in this respect will naturally result. The Honorary list now is composed of those who are counted as distinct and individual luminaries of the first class in what may be called the historic planetary system. When one of them dies, it is as if a bright light were extinguished. In the case of Mr. Gardiner, it is so unquestionably. Of the highest order of historical composition known to our time, his work was unique. I think I may safely say that, among historical writers in the English tongue, he has not left his peer behind.

As respects Mr. Gardiner in this historical aspect, the Society will presently hear from others far more competent to speak than I. It devolves on me only to announce his death.

Though members of the Society respectively for thirteen and eighteen years, neither Professor Thayer nor Mr. Crocker had ever taken a conspicuous or active part in our proceedings. Both were constant attendants at our meetings, and it was a satisfaction to see them; but, with the exception of the tribute to his former law partner, George O. Shattuck, I am not aware that Professor Thayer ever contributed anything to our printed record. He became a member of the Council at the election of 1900, and was re-elected at our last Annual Meeting. As one of the Council, he ever showed that excellence of judgment and kindness of disposition, not without a strong infusion of character and self-understanding, which distinguished him, I may fairly say, in all the walks of life. His presence there, as here, will be greatly missed.

Though in his membership antedating Professor Thayer by five years, Mr. Crocker had been even less a participant in our activities. A somewhat constant attendant at our meetings, he was a silent one. He never served upon the Council. A conveyancer by profession, his election to the Society was due to the high opinion entertained by the late Charles Deane of

the extent and accuracy of his knowledge upon points of antiquarian interest connected with Boston realty. He did at one time design to furnish us a paper on the handwriting of the seventeenth century, a subject in regard to which he was peculiarly competent to reach conclusions; but the purpose was not carried out. In 1898 he made to our Proceedings a short contribution on "William Aspinwall and the Book of Possessions." Outside of the Society, he contributed to the "American Law Review" of October, 1875, a curious conveyancer's tale, entitled "The History of a Title; a Conveyancer's Romance." He also published "Notes on Common Forms," and "Notes on the General Statutes of Massachusetts," both works of a purely legal character. At one period he took much interest in economic questions, writing two treatises, one upon the "Cause of Hard Times," the other upon the tendency during such times to excessive saving, to which tendency he attributed much of the prevailing commercial distress. It is almost needless for me to add that his views on this subject did not meet with general acceptance. They were by many, who had made a study of economic and financial subjects, considered paradoxical. Apart from his specialty of conveyancing, I am not aware that Mr. Crocker had paid any considerable degree of attention to historical studies.

Mr. JAMES F. RHODES, having been called on, read the following paper:—

I count it a privilege to speak in this Society to the memory of Samuel Rawson Gardiner. In making him an Honorary Member we honored ourselves. Who of the historians that have wrought during the past forty years better represents what this Society stands for? He was thorough in his investigation. He spared no labor and pains to get at the truth. It may well enough be true that the designedly untruthful historian, like the undevout astronomer, is an anomaly. Inaccuracy comes not from purpose but from neglect. Now Gardiner went to the bottom of things, and was not satisfied until he had compassed all the material within his reach. As a matter of course he read many languages. Whether his facts were in Spanish, Italian, French, German, Dutch, Swedish, or English made apparently no difference. Nor did he stop at what was

in plain language. He read a diary written chiefly in symbols and many letters in cipher. A large part of his material was in manuscript. We all know the greater labor entailed in drawing from the written instead of the printed page. As one reads the prefaces to his various volumes and his footnotes, amazement is the word to express the feeling that a man could have accomplished so much in forty-seven years. One feels that there is no one-sided use of any material. The Spanish, the Venetian, the French, the Dutch, nowhere displaces the English. In Froude's "Elizabeth" you get the impression that the Simancas MSS. furnish a disproportionate basis of the narrative; in Ranke's "England," that the story is made up too much from the Venetian archives. Gardiner himself copied many Simancas MSS. in Spain, and he studied the archives in Venice, Paris, Brussels, and Rome; but these and all the other great mass of foreign material are kept adjunctive to that found in his own land. In writing me once touching a matter on which he thought some documents in New England might throw light, he speaks of the "stores of material in the Massachusetts Historical Society's publications." In the first volume of the "History of the Commonwealth" he quotes from the Hutchinson Papers of the Prince Society;¹ and he knew his "John Winthrop" well.² My impression from a study of his volumes is that more than half of his material is in manuscript, but because he has a mass of matter which no one else had ever used he does not neglect the printed pages open to every one. "To form a judgment on the character and aims of Cromwell," he writes, "it is absolutely necessary to take Carlyle's monumental work as a starting-point";³ but distrusting Carlyle's printed transcripts, he goes back to the original speeches and letters themselves. Carlyle, he says, "amends the text without warning" in many places; these emendations Gardiner corrects, and out of the abundance of his learning he stops a moment to show how Carlyle has misled the learned Dr. Murray in attributing to Cromwell the use of the word "communicative" in its modern meaning, when it was on the contrary employed in what is now an obsolete sense.⁴

¹ P. 328, n. 4.

² History, vol. viii. p. 153 *et seq.*

³ History of the Great Civil War, vol. i. p. viii.

⁴ Commonwealth, vol. iii. p. 27.

Gardiner's great work is the History of England from 1603 to 1656. In the revised editions there are ten volumes called History of England from the Accession of James I. to the Outbreak of the Great Civil War, and four volumes on the Great Civil War. Since this revision he has published three volumes on the History of the Commonwealth and the Protectorate. He is also the author of many smaller volumes; was a contributor to the "Encyclopædia Britannica" and the "Dictionary of National Biography," and for ten years was editor-in-chief of the "English Historical Review."

I know not which is the more remarkable, — the learning, accuracy, and diligence of the man or, withal, his modesty. With his great store of knowledge the very truthfulness of his soul impels him to be forward in admitting his own mistakes. Lowell said in 1878 that Darwin was "almost the only perfectly disinterested lover of truth" he had ever encountered. Had Lowell known the historian as we know him to-day, he would have placed Gardiner upon the same elevation. In the preface to the revised ten-volume edition he alludes to the "defects" of his work. "Much material," he wrote, "has accumulated since the early volumes were published, and my own point of view is not quite the same as it was when I started with the first years of James I."¹ The most important contribution to this portion of his period had been Spedding's edition of Bacon's Letters and Life. In a note to page 208 of his second volume he tells how Spedding's arguments have caused him to modify some of his statements, although the two regard the history of the seventeenth century differently. Writing this soon after the death of Spedding, to which he refers as "the loss of one whose mind was so acute and whose nature was so patient and kindly," he adds, "It was a true pleasure to have one's statements and arguments exposed to the testing fire of his hostile criticism." Having pointed out later some inaccuracies in the work of Professor Masson, he accuses himself. "I have little doubt," he writes, "that if my work was subjected to as careful a revision it would yield a far greater crop of errors."²

Gardiner was born in 1829. Soon after he was twenty-six years old he conceived the idea of writing the history of

¹ History, vol. i. p. v.

² *Ibid.*, vol. ix. p. viii.

England from the accession of James I. to the Restoration of Charles II. It was a noble conception, but his means were small. Having married the youngest daughter of Edward Irving,¹ the enthusiastic founder of the Catholic Apostolic Church, he became an Irvingite. Because he was an Irvingite his University, — he was a son of Oxford, — so it is commonly said, would give him no position whereby he might gain his living. Nevertheless Gardiner studied and toiled, and in 1863 published two volumes entitled “History of England from the Accession of James I. to the Disgrace of Chief Justice Coke.” Of this work, as Mr. Gardiner told me himself, only one hundred and forty copies were sold. Still he struggled on. In 1869 two volumes called “Prince Charles and the Spanish Marriage” were published and sold five hundred copies. Six years later appeared two volumes entitled the “History of England under the Duke of Buckingham and Charles I.” This instalment paid expenses, but no profit. One is reminded of what Carlyle said about the money rewards of literary men in England. “Homer’s Iliad,” he wrote, “would have brought the author, had he offered it to Mr. Murray on the half-profit system, say five-and-twenty guineas. The Prophecies of Isaiah would have made a small article in a review which . . . could cheerfully enough have remunerated him with a five-pound note.” The first book from which Gardiner received any money was a little volume for the “Epochs of Modern History Series” on “The Thirty Years’ War,” published in 1874. Two more instalments of the History appearing in 1877 and 1881 made up the first edition of what is now our ten-volume history, but in the mean time some of the volumes went out of print. It was not until 1883, the year of the publication of the revised edition, that the value of his labors was generally recognized. During this twenty-eight years, from the age of twenty-six to fifty-four, Gardiner had his living to earn. He might have recalled the remark made I think by either Goldsmith or Lamb, that the books which will live are not those by which we ourselves can live. Therefore Gardiner got his bread by teaching. He became a professor in King’s College, London. He lectured on history for the London Society for the Extension of University Teaching, having large audiences all over London and being well appreciated in the East End. He wrote school books on history. Finally

¹ His first wife.

success came, twenty-eight years after his glorious conception, twenty years after the publication of his first volume. He had had a hard struggle for a living with money coming in by dribblets. Bread won in such a way is come by hard, but he remained true to his ideal. His pot-boilers were good and honest books; his brief history of the Thirty Years' War has received the praise of scholars. Appreciation brought him pecuniary rewards. In 1882 Gladstone bestowed upon him a Civil List Pension of £150 a year. Two years later All Souls College, Oxford, elected him to a research fellowship; when this expired, Merton made him a fellow. Academic honors came late. Not until 1884, when he was fifty-five, did he take his degree of M.A. Edinburgh conferred upon him an LL.D. and Göttingen a Ph.D., but he was sixty-six when he received the coveted D.C.L. from his own University. The year previous Mr. Bryce on behalf of Lord Rosebery had asked him if he would accept the Regius Professorship of History at Oxford. Gardiner declined it because he would not relinquish his great work, which obliged him to be near the British Museum. I rejoice that nine years before he was appreciated generally in England this Society elected him a Corresponding Member (1874). His acknowledgment of this may be seen on the titlepage of the first ten volumes of the revised edition.

My personal acquaintance with Mr. Gardiner was slight. In 1895, being introduced by letters from this country, I called upon him at the British Museum, and sitting on a wooden bench in one of the outer halls, we talked together for half an hour. Certainly I have never seen a more honest face. It has the same quality that looks out from the pictures of Darwin. I told him that Macaulay's idea of Wentworth [Strafford] and Laud had sunk deeply into my mind, and his portrayal of them was a revelation. Never shall I forget the smile that spread over his great homely face as he declared with enthusiastic earnestness, "They were indeed honest men." With kindness he spoke of the imperfections of Macaulay, of his meagre study of the original materials relating to Wentworth and Laud, but he left me the impression that he admired greatly that historian who charmed those of us who were reading history thirty-five years ago. I thought of Gardiner's charity; for among historical scholars in England those who loved Stubbs and

Gardiner seemed to have but a single idea of Macaulay, — that he was a prejudiced partisan who would not own up when he was shown to be wrong. In 1899 I saw Mr. Gardiner again. We took luncheon together and had a tête-à-tête conversation of two hours. It was then that he told me about the sale of his earlier volumes. We talked of Froude. He spoke of the inaccuracy of his translations from the Simancas MSS. Yet he went on to say Froude meant to be truthful, but he had always some idea in his head which he desired to prove. I was glad to find Gardiner an admirer of John Richard Green. Even sometimes, he said, when Green's details were inexact, as in his account of the Thirty Years' War, the general impression which one gets from it is true. The slight glimpses I had of Gardiner confirmed me in the impression which I had gathered from his books and from common friends, that he had a gentle, kind nature and was the embodiment of truth. He told me of his manner of labor. He was then living at Sevenoaks, whence it took him about an hour to reach the British Museum, where he did his work. He labored on his history from eleven o'clock to half-past four with an intermission of half an hour for luncheon. He did not dictate to a stenographer, but wrote everything out. As Mr. Firth has told me, he was totally unaccustomed to collaboration and never employed a secretary or assistant of any kind. In the evening — I am now following Mr. Gardiner's conversation — he did no serious labor; he attended to his correspondence or read a novel. Thus he worked five hours daily. What a brain and what a splendid training he had given himself to accomplish such results in so short a working day! From 1895 to 1900 we carried on a desultory correspondence. He did me the honor to read my volumes, and the kind words he sent me across the sea were very grateful as I looked upon him as the greatest living master of our profession who wrote in English. He sent me his volumes as they appeared from time to time, and I read every word of them. His last volume was published in 1901 and my copy reached me March 1st. Before he received my letter which told of the delight and instruction I had received from it, he had the paralytic seizure that terminated in his death the 23d of February last. His mind was not affected, and Mrs. Gardiner read my letter to him and he sent me by her pen his last kind word.

As the newspapers have recently been full of the discussion as to who sympathized with us during our Spanish War, an extract from a letter of Mr. Gardiner written April 2, 1898, twenty days before the Congressional resolution that was a virtual declaration of war, may be interesting. "May I," he wrote, "add a word of sympathy with your nation in the present crisis. I do not think that there is any division of opinion here on that head."

In the preface to his first volume of the "History of the Commonwealth," published in 1894, Gardiner said that he was "entering upon the third and last stage of a task the accomplishment of which seemed to me many years ago to be within the bounds of possibility." One more volume bringing the history down to the death of Cromwell would have completed the work, and then Mr. Charles H. Firth, a Corresponding Member of this Society, was to take up the story. Firth will now probably begin his history in 1656. Gardiner's mantle has fallen on worthy shoulders.

Where historical scholars congregate in England and America Gardiner is highly esteemed. But the critics must have their day. They cannot attack him for lack of diligence and accuracy, which according to Gibbon, the master of us all, are the prime requisites of an historian, but they assert he was deficient in literary style, he had no dramatic power, his history is not interesting and will not live. Gardiner is the product solely of the university and the library. You may visualize him at Oxford, in the British Museum, or at work in the archives on the Continent, but of affairs and of society by personal contact he knew nothing. In short, he was not a man of the world, and the histories must be written, so these critics aver, by those who have an actual knowledge by experience of their fellowmen. It is profitable to examine these dicta by the light of concrete examples. Froude saw much of society and was a man of the world. He wrote six volumes on the reign of Elizabeth, from which we get the distinct impression that the dominant characteristics of Elizabeth were meanness, vacillation, selfishness, and cruelty. Gardiner in an introductory chapter of forty-three pages restores to us the great queen of Shakespeare who brought upon her land "a thousand, thousand blessings." She loved her people well, he writes, and ruled them wisely. She "cleared the way for liberty, though she

understood it not." ¹ Elsewhere he speaks of "her high spirit and enlightened judgment." ² The writer who has spent his life in the library among dusty archives estimates the great ruler more correctly than the man of the world. We all know Macaulay, — a member of parliament, a member of the supreme council of India, a cabinet minister, an historian of great merit, a brilliant man of letters. In such an one, according to the principles laid down by these critics, we should expect to find a supreme judge of men. Macaulay, in his essays and the first chapter of his History, painted Wentworth and Laud in the very blackest of colors, which "had burned themselves into the heart of the people of England." Gardiner came. Wentworth and Laud, he wrote, were controlled by a "noble ambition" which was "not stained with personal selfishness or greed." ³ "England may well be proud of possessing in Wentworth a nobler if a less practical statesman than Richelieu of the type to which the great Cardinal belonged." ⁴ Again Wentworth was "the high-minded, masterful statesman erring gravely through defect of temper and knowledge." ⁵ From Macaulay we carry away the impression that Wentworth was very wicked and that Cromwell was very good. Gardiner loved Cromwell not less than did Macaulay but thus he speaks of his government: "Step by step the Government of the Commonwealth was compelled . . . to rule by means which everyone of its members would have condemned if they had been employed by Charles or Wentworth." Is it not a triumph for the bookish man that in his estimate of Wentworth and Laud he has with him the consensus of the historical scholars of England!

What a change there has been in English opinion of Cromwell in the last half-century! Unquestionably that is due to Carlyle more than to any other one man, but there might have been a reaction from the conception of the hero worshipper had it not been supported and somewhat modified by so careful and impartial a student as Gardiner.

The alteration of sentiment about Wentworth and Laud is principally due to Gardiner, that of Cromwell in part. These are two of the striking results, but they are only two of many things we see differently because of the single-minded devotion

¹ History, vol. i. p. 43.

³ *Ibid.*, vol. viii. p. 67.

⁵ *Ibid.*, vol. ix. p. 229.

² *Ibid.*, vol. viii. p. 36.

⁴ *Ibid.*, p. 215.

of this great historian. We know the history of England from 1603 to 1656 better than we do that of any other period of the world; and this we owe mainly to Samuel Rawson Gardiner.

Mr. EDWARD CHANNING spoke substantially as follows:—

Professor Gardiner was a prodigious worker. He printed in all some thirty volumes. Of these a few were educational works, as his "Student's History of England," which marked out new lines of development of historical text-books, both in mode of treatment and in illustration. Another work of this class is his "Thirty Years' War," in the "Epochs of Modern History Series"; it was a standard book twenty-five years ago, it is still in every-day use. A third work belonging to the class of educational books is his "Select Documents illustrating the Puritan Rebellion"; his introduction to these documents is the best compendious constitutional statement of the Puritan movement in existence. Among minor works is his "What Gunpowder Plot really was,"—a controversial book written in answer to Gerard's "What was Gunpowder Plot?" "Cromwell's Place in History," comprising the substance of lectures, may well be classed among controversial works, because in it Mr. Gardiner sought to show that "Cromwell was the greatest, because the most typical of Englishmen." Besides writing books, he wrote numerous introductions, as that to the "Verney Papers" in the "Camden Society Series," and articles dealing with single episodes in the "English Historical Review," and elsewhere, as the remarkable article on Glamorgan in the "Review" for October, 1887. These books, introductions, and articles were all by-products of his great work on the History of England, from the accession of the first Stuart to the end of the Puritan supremacy. Of this work seventeen superb volumes were published, when death put an end to his wonderful career.

To understand Gardiner's stupendous industry, one must try to realize that he labored alone, writing everything with his own hand. He visited storehouses of documents: archives in foreign cities, and manor houses of historic English families. Thousands of documents which he consulted in manuscript have since been printed. The printed mass alone is sufficient

to daunt all save the most earnest student. Mr. Gardiner abstracted and extracted, returned to his home and set to work to study his materials and write the chapter or volume in hand.

The modern historical writer often makes use of what are sometimes termed "helps." He employs stenographers, typewriters, secretaries, and assistants, sometimes he even employs others to write portions of his text, and in one instance at least declines to point out which portions of the book were written by the unknown assistant, which by himself. Professor Gardiner, like Justin Winsor, worked in a very different way. He was his own secretary, assistant, and stenographer. Other men, as our Corresponding Member Mr. Firth, by their researches aided Mr. Gardiner, but the responsibility for his great work was almost entirely his. And that is the reason why it is regarded by students almost in the light of a "source." For my part, when Mr. Gardiner gives us the result of his examination of twenty sources of information on one subject, I would rather stake an argument on his conclusion than on my own examination of the five or ten documents within reach.

It is sometimes said that Gardiner's work will not live. The best answer to such a statement was made by a former student, who chanced to visit me a few evenings ago. On being asked what large works he had perused on the Tudor and Stuart periods, he said that Gardiner's History was the only long connected work which he could claim to have read through. The natural inquiry was at once made as to Froude and Macaulay. But the answer was no less prompt. Yes, he had read in Froude and Macaulay. They were interesting, as was the current historical novel; but Gardiner gave one a knowledge of the actualities, and after all that was what one read histories to get. So he had abandoned Macaulay and had read Gardiner, and had found him absorbingly interesting. And in the next few years he will give Gardiner's interpretation of a phase of the first half of the seventeenth century to hundreds of eager, earnest students. For many years to come countless readers will seek Gardiner's works for the same reason, — a disgust of the historical romance and a desire to know the truth.

A few years ago it chanced to be my fortune to study for a

few weeks in the British Museum. The problems which interested me were in part those which interested Professor Gardiner. It was my privilege to ask him his opinion on several matters, and to sit not far from him as he worked. And there was his workshop in that hive of industry, the Reading Room of the British Museum, in the midst of seekers of all sorts and conditions. One strange figure was a man without stockings and trousers reaching only part way to his shoes. He was a living experiment, trying in his own person the effect of diets of different sorts; at that moment it was said to be Indian corn. One was irresistibly reminded of Carlyle's description of the Reading Room as the place to which unsound persons were daily consigned for safe keeping by their relatives. Another curious personage recalled that other "reader" who annoyed Carlyle by persistently and regularly blowing his nose every thirty minutes. Yet on Mr. Gardiner wrought day after day as placidly and gainfully as few men work in the seclusion of their studies. To have been near him was an inspiration; to connect one's name with his in any fashion is a distinction.

Mr. JOHN C. GRAY read a tribute to his late associate in the Harvard Law School, Mr. James B. Thayer, as follows: —

The death of James Bradley Thayer will be widely felt.

Few men had more or warmer friends. I have often thought of him as an ideal New Englander. With all the good qualities of the race, he was without the angularity of mind or character which sometimes accompany them. Of perfect good breeding, there was no company to which he was not a welcome addition. He had a breadth of nature difficult to describe, but impossible not to feel.

He had much public spirit, and threw himself with zeal into those philanthropic movements which attracted him. Some of us thought that he was at times called upon to do more than could be fairly asked from him; but he himself never measured the time nor counted the cost.

For nearly thirty years he was professor in the Harvard Law School. He published two collections of cases, one on "Constitutional Law" in two large volumes, and one on "Evidence" in one volume of equal size, both of great excellence; the

latter, it is safe to say, is the most successful of the numerous collections of authorities that have been published in the Harvard Law School during the last quarter of the nineteenth century. It is used all over the country.

It will be at another time and in another place that his long line of pupils will tell what they owe to him; to me who may have the honor to succeed him, the aid to be derived from his work is incalculable.

But it is appropriate that I should speak here especially of his historical labors, and it was his historical work that he loved the best. Its bulk is not large. Mr. Thayer was fastidious, not in judging what others had done, for he was a generous and kindly critic, but in passing upon his own work. To discover or verify a fact which might make his material more complete, to arrange and rearrange that material so that its expression might be more perspicuous, no time or trouble seemed to him too great. But though the pages which he wrote cut no great figure when measured by the base modern standard of so many thousands of words, their quality is high.

The law of evidence is the most characteristic feature of the common law; no part of the law has reacted so strongly upon the English race. In the love of facts, and in the desire of getting those facts at first hand, which distinguish us, the common law of evidence has played a considerable part. Every one knew in a general way that our law of evidence was the offspring of the jury, but only in a general way. Here was Mr. Thayer's good fortune. There was a new country to be discovered, he seized the opportunity, and in the essays afterwards collected, revised, and published in his "Preliminary Treatise on the Law of Evidence," he worked out not only the general lines but the details of the subject in a masterly manner which ultimately satisfied that severest of judges, himself, and gave him a distinguished place among those eminent jurists whose contributions to legal history have illustrated the closing years of the last century.

Mr. S. LOTHROP THORNDIKE, a classmate and life-long friend of Mr. Thayer, read the following paper:—

Mr. President,—When I received your request to say as a friend something about Thayer, my first thought was, of how

many I was but one who could speak of him from that standpoint. Since his death, less than four weeks ago, words have already been spoken about him in various circles of companionship, and every word has sounded the note of personal regard and affection. Whatever can be said now must seem a mere echo of the voices of others.

Yet it must be in that way that I speak, if at all. Our paths in practical life did not lie together. I was never associated with him in a cause, and of his great work as a teacher and his high place among jurists I have only the same means of judging as any one else who has mere scraps and dribblets of what may be called the scholarship of the law.

But of Thayer as a man, as a dear friend, a genial comrade, as one whose daily life was an example and his intimacy an education, I may claim a right to speak, — a right founded on a half century of regard and esteem and a quarter century of familiar companionship. During the latter period we were neighbors in Cambridge, we belonged to the same clubs and societies, — four or five of them, — and I was often his guest at his quiet and delightful summer home at Bar Harbor. My recollection of all this time it would not be worth while to try to detail. There would be no remarkable events to recall. It would only be the story of books interchanged or books read together, of walks and drives at Mount Desert, of long talks about the events of the day, the friends we had known, the things we had read, the thousand and one matters of the moment. But out of it all comes the memory of the most lovable man whom it was ever my fortune to know, — one in whom to the qualities which make men attractive, sweetness of disposition, nobility of character, dignity of presence, cordiality of manner, thoughtful kindness, there was added the indefinable something which is oftener attributed to women than to men, — charm.

I made my first acquaintance with Thayer when we entered college in 1848. Of his earlier years in Northampton one gets a passing glance in his excellent sketch of Chauncey Wright, his schoolmate, afterward our classmate, and I have sometimes heard him speak of the pleasant river town, as yet untrodden by the march of improvement. In his life of Wright he is careful to mention an admirable teacher of theirs, — his kindly influence and wise and original methods of instruction; but I

fancy that Thayer's college fitting was mainly his own work, with little aid from without.

In college he was, as throughout life, a diligent student; but as he was obliged to eke out his slender means by much teaching, his class rank was not exceptional. His chosen companions were always of the best. I especially associate him in my recollection with men who afterward became of note in various positions, — the two Choates, Gurney, Wright, Darwin Ware, and William Robert Ware. His wit and humor, clean-minded at a time when vulgarity was sometimes mistaken for wit, — college boys were three years younger then than now, — made him the most attractive man of the class, and his sweetness of disposition made him the best beloved.

I must not pause to speak of his years of law study, which had to be broken by intervals of teaching, or of his useful career of fifteen or twenty years as a lawyer in active practice. But of this period some phases must be noted. One was his long residence in Milton, from which resulted some of his most cherished friendships. Another was his marriage with Sophia Ripley, a union of rare felicity followed by more than forty years of such domestic happiness as I must not try to depict, and by the growth of a family at all times an unfailing source of pleasure and of pride. This marriage with the granddaughter of Dr. Ezra Ripley, the minister of Concord fame, and the daughter of the Samuel Ripley of whom Thayer afterward wrote, at Judge Hoar's suggestion, the charming sketch so well worth reading, brought him into that close connection with Emerson and the other Concord notables which was such a feature of his later life.

In this period, moreover, appear the first manifestations of that literary bent of which all Thayer's eulogists have spoken. His printed writings, outside of the law, were not, either at this or any later time, great in number or extent, but they all showed the deftness and fineness of his literary touch. Even his legal works could not have been written by any other than a man of letters. His English was almost faultless, his choice and command of words admirable, and his sentences all seemed to begin and to end as they ought. This is also true of his conversation and of his somewhat infrequent public speech. He was certainly not in the popular sense an orator, and I think that he did n't much like to be called upon for a speech. But

once on his legs he spoke in clean-cut sentences and bright and apt words. So in conversation. One of our associates, who has presented in another place a most thoughtful and appreciative tribute to his memory, spoke of his readiness to take upon his shoulders the burden of a conversation. I should n't have said just that. I never happened to hear Thayer do or try to do just that. But in the give and take of ordinary talk, or of high talk, he had few equals. He always took his fair share of listening as well as talking, and when he did speak it was always with the same unconscious ease, the same happy choice of words, and the same felicity of stating just what he meant, and not something else, which mark his writing.

I must not pause to speak of the course of events which led Thayer, after he had been offered and had declined a literary chair at Harvard, aside not only from the pleasant paths of letters, but from the practice of his profession, into the pursuit of the law upon its academic side. Of what in his later years he accomplished as the teacher and critic of students and the critic and teacher of judges, Professor Gray has already spoken.

I have already overstepped the limit of the few words allotted me; but I must say a word or two to explain, perhaps to modify, what I have said about his amiable disposition. His temper was not at all of that saccharine quality which is never sharp. His standard of what a man ought to be and think and do, whether in public or private life, was so high and fine that he was apt to be impatient of short-comings, and very plain-spoken about them. For whatever seemed to him vulgar or self-seeking or disingenuous or pretentious he had little charity. The word "cheap" was a favorite with him, and was made to cover a multitude of sins. I have sometimes been amused to imagine how certain persons who were quite self-satisfied would be astonished at hearing themselves described by him as "cheap." He was equally impatient of sloppiness of thought or speech, and it has seemed to me that many judges who have perhaps read some of his personal remarks in his law writings must have heartily wished that they could commit him for contempt, and that there must have been many negligent students in his classes who did n't find his comments upon their work quite agreeable. I sometimes thought him needlessly severe in his judgment of others. He would not, I am sure, blame me for finding this fault, if it was a fault, for he was himself con-

scientifically careful in speaking or writing about his dearest friends, alive or dead, not to hide imperfections or bestow indiscriminating praise.

Let me add a word about his domestic life. His housekeeping was as modest and unpretentious as himself, but his hospitality was unbounded. This had, of course, its amplest opportunity at Bar Harbor. Every inch of his pleasant house was always full during the whole summer, and the people that one met there were always people worth knowing. Perhaps it would be some wandering man of letters or the law, perhaps some favorite clergyman whom he had invited for the weekly service in the little Unitarian church, perhaps Booker Washington. Outside his own circle he associated so freely and kindly with all sorts and conditions of men, that one would hardly suspect how almost fastidious he was about the people that he really liked to have near him. They must be persons whose tastes, sympathies, habits of thought rang somehow in accord with his own. This may be understood by what I have already said of his judgment of "cheap" people.

But this fastidiousness did not in the least affect his pleasant relations with the grand society by which at Mount Desert he was surrounded. His modest house had rich men's houses all about it. He used to tell with amusement of overhearing a tourist guide say, as he passed it, "Now here is a house of a man of moderate means." The relation of the houses was somehow significant of the relation of the owners. Thayer no more realized what some of his neighbors might consider social distinction than he realized his own true distinction. If his grand neighbors recognized the latter, as they often did, he accepted the recognition with unconscious ease, never aspiring to the other.

There are many other aspects in which it would be pleasant to speak of Thayer, if this were a time for a full memoir. One would be his citizenship, in which he was as conscientious as in any daily duty. He did his own thinking, and his question upon any proposed measure, whether of the nation, the State, or the city, was whether it was the right thing, not what party or what man had launched it. His thinking often found words in a brilliant newspaper article, or in earnest conference with the men whose habit of thought was like his own. He could never have been a politician, in the ordinary sense, and

could never, even if his busy life had not prevented, have gone into politics to advance the interests of any party or any individual, least of all himself.

Another topic might be his religion. He told me that once in his boyhood, in Calvinistic surroundings, he went, or thought he went, through the mental process of "experiencing religion." As I knew him, he was troubled by no such experiences. His religion was a part of him, like his conscience, not disturbed by dogmas or forms, and not very patient of what Bishop Brooks once called "the fluttering frivolities of an effete mediævalism." I asked him once what was his notion of the hereafter, and he answered, "I don't know the what or the how, but I believe that somehow it will be all right." We too may well believe that it is all right with Thayer.

Mr. GAMALIEL BRADFORD related an interesting anecdote of his early acquaintance with Mr. Thayer, who was precisely of his own age, both having been born on the same day.

Rev. Dr. Alexander V. G. Allen was appointed to write the memoir of the late Horace E. Scudder for publication in the Proceedings; Mr. Thorndike the memoir of Mr. Thayer, and Mr. Henry G. Denny the memoir of Mr. Crocker.

Mr. BARRETT WENDELL read some informal memoranda concerning the Empress Eugénie, kindly lent him by a lady who was at one time a member of the Empress's household in England.

Mr. Wendell added: Some weeks ago, my colleague, Professor John Hays Gardiner, of Harvard College, received from Mr. Gardiner Stewart, of New York, a letter concerning certain old papers in Mr. Stewart's possession. Some of these relate to the affairs of the Gardiner family; the others, which I bring here to-day, seem perhaps of more general interest; all are said to have belonged to Governor Hancock, and to bear indorsements in his handwriting. In a letter to Professor Gardiner, of February 19, 1902, Mr. Stewart writes: "The pencil memorandum on the back of [each paper] is in my father's handwriting. . . . My father, Thomas J. Stewart, who died some years ago, received [the papers] from his father, Thomas Stewart, who personally knew John Hancock. They must have been in our possession seventy-five years or more."

At the suggestion of Professor Gardiner, Mr. Stewart has authorized me to present to the Massachusetts Historical Society, in his name, the following papers, which record certain details in the local history of Massachusetts:—

1. Copy of Statement of William Jackson, accused of misappropriating, during the Siege of Boston, goods belonging to Cyrus Baldwin, a patriot absentee. Dated, 12 June, 1776.

2. Copy of a letter to Beriah Norton, concerning illicit trade. Dated, 30 August, 1782.

3. Copy of a Proposition to the French Consul at Boston, and to the claimants of two prizes brought into the port of Boston by a French privateer. Dated, 26 August, 1793.

4. Various memoranda concerning returns of Votes for Hon. George Leonard, Peleg Coffin, Jr., Phanuel Bishop, and David Cobb, Esq^s., candidates in Bristol County for election to the Federal Congress. No date.

5. List of civil officers in Dukes County, &c. No date.

6. Copy of Resolve concerning William Frobisher. No date.

7. Statement of facts in the case of George Dana, in trouble concerning a note for £60. No date.

Dr. SAMUEL A. GREEN said:—

It is well known that our former associate Mr. John Langdon Sibley, late Librarian of Harvard College, bequeathed the bulk of his estate to this Society, subject to a life interest on the part of his widow. He died in Cambridge, on December 9, 1885; and an official announcement of such disposition of his property was made at the meeting held on January 14, 1886. A copy of his will is printed in the Proceedings of that date. It was then stated that the appraisal of his estate was upwards of \$150,000,—the largest sum of money ever given or bequeathed to the Society,—which would place the name of Sibley among the most munificent promoters of historical research. The subject was of such importance that it was referred to a special committee,—with the late Judge Hoar as chairman,—who at the next March meeting, in recognition of this large bequest, reported a set of resolutions which were duly passed. The Committee mentioned the fact that the fund might not become “available for a considerable period of time.” When the resolutions were drawn, this period was very indefinite, but now it has elapsed.

As executor of the estate, it devolves on me to make the announcement of Mrs. Sibley's death which took place at her home in Groton, on Wednesday, January 22. With no surviving kindred nearer than first cousins once removed, she had few family relatives. Mrs. Charlotte Augusta Langdon (Cook) Sibley was an only daughter of Samuel and Catharine Amelia (Langdon) Cook, of Boston, where she was born on October 5, 1819. Since the death of her husband she has been a resident of Groton, where she was conspicuous in many good works. She will be missed both there and in the neighboring towns among the local charitable organizations, in which she ever took an active part. It was largely through her benefaction that a few years ago the Groton Public Library building was erected, for which she gave the lot of land on which it stands, and nearly \$20,000 in money.

The funeral services were held in the First Parish Meeting-house on January 25, and were attended by a large number of friends and neighbors, including the President and first Vice-President of the Historical Society, and the two assistant librarians; and the interment took place two days later in the family lot at Mount Auburn in Cambridge.

For an account of her mother's family, see "The New-England Historical and Genealogical Register" (XXX. 33-37) for January, 1876; and for the Rev. Dr. Andrew P. Peabody's memoir of her husband, see the Proceedings (second series, II. 487-507) of this Society, for May, 1886.

A copy of her last will and testament is herewith presented: —

This is the last will and testament of me, CHARLOTTE AUGUSTA LANGDON SIBLEY, of Cambridge, in the Commonwealth of Massachusetts, widow of John Langdon Sibley, late of said Cambridge, deceased, testate.

I appoint Samuel A. Green, of Boston, in said Commonwealth, executor of this, my will; and I request that he be exempt from giving any surety on his bond as such executor. I direct him to give to the Massachusetts Historical Society the pair of old bronze candlesticks formerly owned by my father, now in my residence on Phillips Place, in said Cambridge. And I give to said Samuel A. Green my wearing apparel, articles of personal ornament and use, books, pictures, and engravings, as legally his own, and without any trust, but with the full confidence and understanding that he will dispose of the same as gifts,

or otherwise, without any sale or public exhibition thereof, in such manner as he shall have reason to suppose would be agreeable to me.

I give the house and land now owned by me, on which I now reside, situated on Phillips Place, in said Cambridge, and all the furniture remaining therein at my decease, to the Cambridge Hospital, a corporation established by law in said Commonwealth, with power to hold and retain or to sell and convey the same, and to use the same, or the proceeds thereof, in such manner as it shall deem to be best calculated to promote and carry out the purposes for which it was incorporated. And whereas, my late husband, the said John Langdon Sibley, by his last will and testament, gave all his property and estate to me in trust to retain all the rents and income thereof remaining, after deducting certain payments which by his said will he directed and desired should be made out of the said rents and income, to my own use during my life, with power in every year when I shall deem said net rents and income to be insufficient for my comfortable support, to apply to such support so much money out of the capital of the trust fund given to me in trust as aforesaid as in my judgment may be required therefor, and whereas he further gave the capital of all said trust property and estate remaining at my death, after deducting a certain legacy in and by his said last will given and so deducted, to the said Historical Society; and I am advised that any of said rents and income so given to me, accumulated or remaining, and not expended before my death, would or may be and pass as my estate, and not under and by his will; and I desire to give, subject to the terms and provisions hereinafter set forth, to said Society, in which he was interested, all which shall remain at my decease, both of said rents or income, and of any part of the capital of said trust property and estate of which I can dispose. Now, then, I hereby give, devise, and bequeath to said Massachusetts Historical Society, without any restrictions, to be used and appropriated for the purposes of its incorporation, in such manner as it shall deem expedient, all stocks, bonds, securities, investments, or moneys, derived from all or any part of said rents or income, and remaining at my decease unexpended, and not given away or transferred by me. And I also give unto said Massachusetts Historical Society, but to be kept with said trust property or estate, and held on the same trusts as those for and upon which the said trust fund, property, or estate was by his said will given to said Society, any and every part so remaining of the capital of said trust fund or estate which the power to me given by his said will enables me to dispose of.

The foregoing is intended to dispose of all the property I now have; and it shall be assumed that all property I shall have remaining at my decease, other than said bronze candlesticks, and the property, whether real or personal, hereinbefore given to said Samuel A. Green or to the

Cambridge Hospital aforesaid, unless it shall otherwise clearly appear, is derived from or part of said rents and income, or said capital of said trust fund or estate. I revoke all other wills by me at any time heretofore made, and declare this only to be my last will and testament.

In witness whereof, I hereunto set my hand and seal on this fourth day of March, in the year eighteen hundred and eighty-six.

CHARLOTTE A. L. SIBLEY.

SEAL.

Signed, sealed, published, and declared by the above-named testatrix, Charlotte Augusta Langdon Sibley, on this fourth day of March, in the year eighteen hundred and eighty-six, as and for her last will and testament in the presence of all and each of us, who, at her request, in her presence, and in the presence of each other, attest and subscribe the same, and hereunto set our hands as witnesses thereunto on said day.

CHARLES F. WALCOTT, Cambridge, Mass.

ANDREW FISKE, Weston, Mass.

MARTHA H. SAWYER, Boston, Mass.

In behalf of Mr. JOHN T. HASSAM, who had been detained from the meeting, Mr. Charles C. Smith presented by title the following paper : —

Registers of Probate for the County of Suffolk, Massachusetts.
1639-1799.

At the meetings¹ of this Society held in May, 1898, and March, 1900, I gave some account of the Recorders, Clerks, and Registers of Deeds for the County of Suffolk, beginning with the year 1639, when the office of Recorder was first created, and ending with the year 1900.

I purpose now to present the result of some researches concerning the Suffolk Registry of Probate, and those who have administered it from the year 1639 to the year 1799.

Under our first charter, in the early colonial period, the Registry of Probate and Registry of Deeds were both under a single official, styled the Recorder. The Recorders were succeeded by the Clerks, and finally, under our second charter, by the Registers of Probate and the Registers of Deeds, each of

¹ 2 Proc. Mass. Hist. Soc., XII. 203-250 ; XIV. 34-104. These papers were afterward reprinted, with some additions, chiefly in the foot-notes, as part of the introductions to Lib. X. and Lib. XI. Suffolk Deeds.

these Registries then having its own executive officer, separate and distinct from the other, as in our own day.

Stephen Winthrop was the first Recorder. He held the office from 1639 to 1644, and was succeeded in the Probate Office by the following Recorders, Clerks, and Registers of Probate:—

William Aspinwall,	1644-1651.
Edward Rawson,	1651-1670.
Freegrace Bendall,	1670-1672, 1673-1676.
John Davenport,	1676.
Edward Randolph, ¹	1686.
Daniel Allin,	1686, 1687.
Thomas Dudley,	1686-1689.
Joseph Webb,	1690-1692.
Isaac Addington,	1672, 1673, 1676-1686, 1689, 1690, 1692-1702.

But as they all held a like official position in the Registry of Deeds, it will be unnecessary to add anything here to what has already been said concerning them in the first mentioned paper, where a full account of them may be found.

When Isaac Addington, November 19, 1702, retired from the office of Register of Probate to become Judge of Probate, he was succeeded by Paul Dudley.

PAUL DUDLEY.

1702-1715.

Paul Dudley,² son of Governor Joseph Dudley and grandson of Governor Thomas Dudley, was born in Roxbury, September 3, 1675, and was baptized there 5. 7^{mo} 1675.

Paul Dudley

His father, when presenting him for

¹ During the Inter-Charter period, when Edward Randolph was Register and Secretary, the Probate Records were, in part, attested by John West, Deputy Secretary. Under the first charter, some of the earlier records were attested by Increase Nowell, Secretary of the Colony.

² History of the Dudley Family, by Dean Dudley, I. 521-534; New England Historical and Genealogical Register, X. 130, 337, 343, XXIII. 287, XXXIV. 185, XLI. 303; Professional and Industrial History of Suffolk County, Bench and Bar, I. 638; Memorial History of Boston, II. 351, 428, IV. 572, 609; Report of the Third Annual Meeting of the Governor Thomas Dudley Family Association, held in Boston, October 15, 1895. The address of the Rev. Francis B. Hornbrooke delivered at that meeting has been reprinted in the New England Magazine, XIX. 634.

admission to Harvard College, in a letter¹ dated April 26, 1686, to the Rev. Increase Mather, then Acting President of the College, says:—

“ . . . I have humbly to offer you a litle sober & well disposed son, who though very yong, if he may have the favour of admittance, I hope his learning will be tollerable; & for him I will promise that by your & my Care, his own Industry, & the blessing of God, his Mother, the Vniversity shall not be ashamed to allow him the place of a son at seaven years end. I pray you will please to appoynt a time when he may wayt on you to be examined, which his Brother Thomas² may prepare him for . . . ”

He was graduated in the class of 1690, perhaps the youngest Bachelor of Arts in all the long line of Harvard Alumni.³ He took his second degree in 1693.

¹ 4 Mass. Hist. Soc. Coll., VIII. 484, The Mather Papers. See also *Ibid.*, VIII. 656, for a letter dated May 17, 1686, of John Cotton (Harvard College, 1678), then Librarian of the College, to Acting President Mather in relation to Paul Dudley's admission to College.

² Thomas Dudley (Harvard College, 1685), the eldest son of Governor Joseph Dudley, was born in Roxbury February 26, 1669-70; and was appointed June 2, 1686, one of the Clerks for Suffolk County. See *Early Suffolk Recorders*, by John T. Hassam, in 2 Proc. Mass. Hist. Soc., XII. 244, and in the Introduction to *Suffolk Deeds*, Lib. X.

In addition to what is there stated concerning him the following anecdote may be of interest:—

“ When Mr Thomas Dudley, the eldest son of the late Gov^r Dudley, was at the Inns of Court a candidate for the practice of the law, and at a certain time attending a court in Westminster Hall, the chief judge observ'd this young student as he was taking his notes with uncommon care & diligence, and after calling for the notes of several seargents and barristers, he askt this young gent^m for his, and in open court did him the great honour of saying his was the best account of all the pleadings in the causes. This I tell you to prick up your emulation. But still to do greater honour to this young gent^m, he returned to his country a much better (& most excellent) Christian from the Temple than when he went to it; and this of all things is most worthy of your imitation.” (Letter of Governor Belcher to his son Jonathan Belcher, Jr., Belcher Papers, I. 51. See also *Ibid.*, II. 124 for another version.)

Governor Dudley in a letter (Winthrop Papers, V. 520) dated Cowes, Isle of Wight, December 23, 1700, to Paul Dudley, then at the Middle Temple, London, says:—

“ Your brother was here but three yeares and wanted neither learning nor repute when he returned.”

For approximate date of the death of Thomas Dudley, see Governor Dudley's letters in Winthrop Papers, V. 513-515, and Sewall's Diary, I. 455.

³ Sibley (Harvard Graduates, III. 6, note) says: “ I recollect only two alumni of Harvard University who were younger when they graduated than Cotton Mather. Paul Dudley, born 3 September, 1675, was fourteen when he took

In the Act for the Incorporation¹ of Harvard College in 1697, he was one of the fourteen Masters of Arts who were constituted Fellows of the College.

In the same year, 1697, he went to London,² entered upon the study of the law in the Middle Temple,³ and was called to the Bar.

his first degree, 2 July, 1690; and Andrew Preston Peabody, D.D., LL.D., born 19 March, 1811, was fifteen when he graduated, 31 August, 1826."

See also "Harvard's Youngest Three," by Eliot Lord in the New England Magazine, XIII. 639.

¹ Acts of 1697, Ch. 10, § 1; Province Laws, I. 288.

The election of President Leverett was a turning-point in the history of Harvard College. It was a bitter disappointment to the Mathers, father and son, and as Governor Dudley was largely instrumental in bringing it about, they never forgave him for it. At the inauguration, January 14, 1707-8, the Governor delivered the care of the College into the hands of the new President. "A Psalm was sung (Chorago D. Paulo Dudleio) and the *Gloria Patri* closes the whole." (Sibley's Harvard Graduates, III. 186). Judge Sewall (Diary, II. 208) also gives an account of it.

At a meeting of the Overseers, November 12, 1718, Paul Dudley seems to have acted with the party opposed to President Leverett. (Sewall's Diary, III. 203.)

Judge Sewall (Diary, II. 355) tells us that at Commencement July 2, 1712, "Mr. P. Dudley set the Tune: At *Gloria Patri*, our L^t Gov^r stood up, alone."

² His father, who after the overthrow of Andros had been compelled to go to England in 1690, writes from Cowes to his wife in New England, under date of June 24, 1697 (Winthrop Papers, V. 515), he being then Deputy Governor of the Isle of Wight:—

"If Paul be coming towards mee, he shall be welcom; if you have otherwise disposed him at the Colledge and he have a fellowship there, I will be content, though I know not whether an employment that way will be so agreeable as the law might be. Let him take care of your affayres at home, especially referring to your orchards."

See Records of the First Church, Cambridge (I. 23), for a letter of recommendation, dated June 24, 1697, from the First Church, Roxbury, with which Paul Dudley provided himself when "purposing, by the will of God, a Voyage into England."

He may have first sailed to Spain, for in his "Essay on the Merchandize of Slaves & Souls of Men," he says:—

"I my self being at *Coruna* in *Spain* in the year 1697. saw more than an hundred Men and Women passing thro' that City on a Pilgrimage, to the Shrine of some noted Romish Saint, at two or three hundred Miles distance from their own Habitation."

³ Winthrop Papers, V. 519.

Governor Belcher, who had frequent occasion to deplore the extravagance of his son Jonathan Belcher, Jr., who had spent upward of £333 for the year ending August, 1732, he being then engaged in the study of the law at the Temple, writes:—

"Judge Lynde & Judge Dudley tell me they never exceeded £ 120 st^r in one year while at the Temple, & M^r Dudley was a Gov^r's eldest son. However, I know the world is more extravagant now a days." And again: "The times may be alter'd, and extravagance now more fashionable & tyrannical; yet the difference is vast." (Belcher Papers, I. 85, 185, 263.)

His father having while in England received the appointment of Captain-General and Governor in Chief of the Provinces of Massachusetts Bay and New Hampshire, returned home after an absence of twelve years, arriving in Boston June 11, 1702. The son had already preceded him.

Judge Sewall, in his Diary,¹ writes: —

“July, 6. [1702] . . . In the Afternoon Paul Dudley esqr. is Appointed the Queen’s Attorney.”

He held the office of Attorney-General until November 22, 1718, when he resigned it to take his seat on the bench, a Justice of the Superior Court of Judicature.

At a Council² held at Cambridge, November 19, 1702, His Excellency nominated Isaac Addington to be Judge of Probate for the County of Suffolk and

“Paul Dudley Esq^r for Register of Wills and Administrations &c^a within the same County of Suffolk,”

and he held the office until 1715, when he was succeeded by Joseph Marion.

¹ Sewall’s Diary, II. 59; Council Records, III. 348.

In addition to this appointment, which was made by the Governor of the Province, Dudley held also from Queen Anne a royal commission as Attorney-General. It was dated Westminster, April 22, 1702, and is printed in full in 2 Proc. Mass. Hist. Soc., XII. 51.

See Mr. Goodell’s paper on the Attorneys-General and Solicitors-General of Massachusetts in 2 Proc. Mass. Hist. Soc., X. 285.

There are many references to Attorney-General Paul Dudley in Sewall’s Diary. Under date of May 23, 1704 (Diary, II. 102), Judge Sewall says that on his return from Salem: “Refresh at Lewis’s, where Mr. Paul Dudley is in egre pursuit of the Pirats.”

And John Chamberlayne in a letter dated Westminster, England, February 13, 1704-5 (Winthrop Papers, V. 546), to Governor Dudley, compliments “Mr Att: Gen: vpon his obliging letter to me, as well as of his rich wife & the fine things spoken at the pyrats tryals, admired by Mr Blathwait & every body.”

For an account of the pursuit and capture of these pirates, their trial, conviction, and execution, see Sewall’s Diary, II. 103-111. See also Publications of the Colonial Society, III. 71.

It was while on circuit at Plymouth, after the adjournment of the Court, in the leisure hours of the evening of April 1, 1714, that there took place between the Judge and the Attorney-General, that curious discussion on the Resurrection, a fragment of which Judge Sewall has carefully preserved for us (Diary, II. 430).

Under date of October 24, 1726, — after the Attorney-General had himself become a Judge, — in reply to an invitation from Thomas Robie, of Salem, Judge Sewall (Letter Book, II. 215), writes: —

“I apprehend the Providence of GOD calls me off from any further labours in riding the circuit . . . If you please to entertain Judge Dudley in my room, ’twill please me. His Honour will be very good Company.”

² Council Records, III. 388.

At a previous meeting¹ of the Council June 30, 1702, he had been nominated and appointed a Justice of the Peace for Suffolk County.

The work of welding together and consolidating the British Empire, and bringing its outlying parts into closer relations with the Crown, essential as that work was, went on under our second charter, in the midst of such difficulties and perplexities that the lot of a Royal Governor was far from being an enviable one.

The Dudleys were of the prerogative party, and the unpopularity of Governor Dudley was fully shared by his son Paul.

A bitter attack on Governor Dudley was made in a pamphlet entitled "A Memorial of the Present Deplorable State of New England," etc., which is supposed to have been prepared here, perhaps by the Rev. Cotton Mather, and sent to London, where it was printed in 1707. This was followed by an able defence of the Governor entitled "A Modest Enquiry," etc. "By a Disinterested Hand," London, 1707. A renewed attack was made in "The Deplorable State of New England," etc.,² a pamphlet printed in London in 1708.

In the third of these pamphlets there was printed a letter of Paul Dudley³ which was thus introduced: "His Son *Paul*,

¹ Council Records, III. 339.

² These three very rare pamphlets were reprinted in the Introduction to Sewall's Diary, Vol. II.

³ Sewall's Diary, II. 109*. See also New England Historical and Genealogical Register, XIX. 167.

Sir Henry Ashurst in a letter to Wait Winthrop (Winthrop Papers, VI. 133), dated Kensington, September 16, 1704, thus refers to it: "I haue inclosedd you a chois leter of Mr D. son's heer, by w^{ch} you may see how true hee is to the interest of his countray."

In a postscript he adds: "I pray sho Cos. Sergant by my directions, & also Mr Mathers, Mr Dud. leter, and any of the papers, but not my generall leter to yo^r bro."

The Rev. Cotton Mather in a letter (1 Mass. Hist. Soc. Coll., III. 132) dated January 20, 1707-8, to Governor Dudley says: "We have long since had sent over to us, your son's letter to a kinsman, which declares your good will to the charter, expressed more ways than one."

And the Rev. Increase Mather in a letter of the same date (*Ibid.*, III. 126) to Governor Dudley says: "Your son Paul's letter, dated January 12, 1703-4, to W. Wharton, seems to those that have read it, to be nothing short of a demonstration, that both of you have been contriving to destroy the charter privileges of the province; and to obtain a commission for a court of chancery, alias a court of bribery. A gentleman in London gave ten pounds for that letter, that so his friends in New England might see what was plotting against them."

More than thirty years after the feud between the Mathers and the Dudleys,

(the great Instrument of his Oppressions) Writes over to his

Governor Belcher, intent upon injuring Paul Dudley, with whom he also had quarrelled, was endeavoring to get into his hands an original letter written by Dudley. He thus refers to it in his own letter to Thomas Coram, dated Boston, October 29, 1739 (Belcher Papers, II. 233) : —

“I shall write Mr Newman a letter on purpose to obtain from him (if possible) Paul the Preacher's letter to J. D.”

In a letter dated Boston November 20, 1739 (*Ibid.*, II. 494), Governor Belcher desires his son Jonathan Belcher, Jr., then in London, to procure the original letter from Mr. Dudley to Mr. Dummer.

Governor Belcher in a letter dated Boston, November 20, 1739 (*Ibid.*, II. 247), to Henry Newman, says : —

“This comes to ask after your health & is under Mr Belcher's cover, & he is order'd to deliver it into your own hands, to pray you to let him have the letter dropt in your lodgings, being from Mr Dudley to Mr Dummer, now deceas'd. It can be of no service to you, but may be considerably so to me, and as it shall always remain a secret how it came to my hands, I fully depend you will show me a new instance of your sincere respect by letting me be possess of it.”

Governor Belcher, in a letter to Thomas Coram (*Ibid.*, II. 334), dated Boston, October 25, 1740, referring to the reception of Coram's letters to the Speaker and the Secretary, and the disposal of them made by the House of Representatives and the Council and the votes concerning them obtained by Paul Dudley, says : —

“I think you are bound in honour to find out some way of making an answer and to expose him publickly, which you may be able to do by advising among your friends and mine, and the better to inable you, I put in this packet a book call'd *The Deplorable State of New England*, where you'll find a vile letter wrote by this man to his cousin in England to put him upon endeavouring to take away the charter of this country. This letter might go into one of the publick prints with proper animadversions upon it, & you might send a number of 'em that each member of the Assembly might have one. This wicked attempt of his is almost lost and forgot by the present generation, but the revival of it I beleive would do his business, & I have no reason to think but that he is the same man still in heart & principle.”

In another letter to Coram (*Ibid.*, II. 524; Belcher's Letter Book, V. 69), dated Boston, November 14, 1740, he says : —

“The Pamphlet I sent you, in which is his fine Letter, may help to paint him in his Colours . . . If the Executors to Mr Dummer's will could obtain the Original Letter, it would be a great point gain'd, and if they pursue it heartily, it would fright him to think of a Bill in Chancery, do all you possibly can to get it.”

In a letter to Henry Newman, dated Boston, November 15, 1740 (Belcher Papers, II. 524; Belcher's Letter Book, V. 74), Governor Belcher charges him with injustice in withholding “the Letter, wrote by Mr P. Dudley, to the deceas'd Mr J. Dummer.” See also Belcher Papers, II. 394.

In a letter dated Boston, September 1, 1741 (*Ibid.*, II. 411), after he had been superseded as Governor, he writes again to Henry Newman : “As things are circumstanc'd I shall wave saying anything more at present upon the subject of the vile letter wrote by P. D. to the late J. D.”

The Thomas Coram here mentioned was Captain Thomas Coram, the founder of the Foundling Hospital, London. At its gates, facing the street, stands his statue by Marshall. In a vault beneath the Chapel he lies buried. His portrait by Hogarth hangs in the gallery of the hospital.

A letter written by him to the Secretary, dated London, April 5, 1740

Friend in *London*, a Letter, wherein are these following Words."

"wherein are contained many reflections on the conduct of the Hon^{ble} Paul Dudley Esq^r. and on the memory of the Hon^{ble} Nath^l. Byfield Esq^r. dec^d" was not received into the Council Files, there appearing nothing to support the allegations and reflections contained therein (Council Records, X. 375, June 17, 1740).

The Speaker of the House of Representatives received likewise a letter of the same date, and the House voted, May 29, 1740, that it was "unworthy the Notice of this House, save their Displeasure, and that therefore the aforesaid Letter be delivered by the Speaker to the said *Paul Dudley*, Esq; that so he may the better have his Remedy against the Author of the same." (Journal of the House of Representatives, A. D. 1740, p. 8.)

Belcher and the Mathers evidently refer to the same letter of Paul Dudley.

It will be noted that Governor Belcher speaks of a letter to "J. D.," to "Mr Dummer" to "his [Dudley's] cousin in England." The pamphlet of 1708 says "his Friend in London." The letter itself reads "Dear Kinsman."

Such are the ramifications of our early New England families, owing to repeated intermarriages, fruitful in children to marry and be given in marriage in their turn, that it would perhaps be rash to assert, without further investigation, that there was no blood relationship between Paul Dudley and Jeremiah Dummer. There was, indeed, a relationship by marriage, William Dummer, the brother of Jeremiah, having married Catharine Dudley, a sister of Paul Dudley. But this marriage was solemnized in 1714, long after the letter above printed was written.

Taking everything into consideration, we may be permitted to doubt if Jeremiah Dummer was the one to whom that letter was written.

This doubt is more than justified when we learn that Jeremiah Dummer was not in London at the date of that letter. He had received the degree of *Philosophie Doctor* at the University of Utrecht in 1703, and had returned home. Sewall (Diary, II. 92) tells us that "Dr. Jer. Dummer preaches," January 16, 1703-4, in Boston. At Commencement at Harvard College, July 15 following, "Dr. Dummer rose up and in very fluent good Latin ask'd Leave, and made an oposition." (*Ibid.* II. 111.)

Mather speaks of the letter as written to "W. Wharton." Now William Wharton was a kinsman of Dudley, and he was in England at this time. Yet if "a gentleman in London" — perhaps Sir Henry Ashurst — "gave ten pounds for that letter" and sent it — presumably the original letter and not a copy — to New England, how did it happen to be "dropt in [Mr. Newman's] lodgings"?

The indented note on page 9 of the pamphlet of 1708 (Sewall's Diary, II. 109*) reads: "See P. Dudley's Original Letter to Mr. W. Wharton Printed at London with some Necessary Queries."

There are in the Library of the British Museum two copies of the London pamphlet of 1707. They are both perfect copies, whole and unmutilated. Neither of them contains any letter of Paul Dudley to W. Wharton. If still another pamphlet — containing another letter of Paul Dudley, or the same letter with certain annotations — is referred to in the indented note, nothing is known at the British Museum of such a publication, and the Library has no copy of it.

After much research and considerable correspondence I have been unable, so far, to obtain any further light on this subject. Perhaps future investigations may lead to something more definite and satisfactory.

"Boston, 12th Jan. 170 $\frac{1}{4}$."

Dear KINSMAN,

*I Confess I am Ashamed almost to Think, I should be at Home so long, and not let you know of it, till now. Tho' after all, a New-England Correspondence is scarce worth your having. . . . I Refer you to *Mr. . . . for an Account of every thing, especially about the Government, and the Colledge; both which, are Discours'd of here, in Chimney Corners, and Private Meetings, as confidently as can be. If there should be any Occasion, you must be sure to stir your Self and Friends, and show your Affection and Respect to my Father, who Loves you well, and Bid me Tell you so. . . . This Country will never be worth Living in, for Lawyers and Gentlemen, till the CHARTER IS TAKEN AWAY. My Father and I sometimes Talk of the Queen's Establishing a COURT OF CHANCERY in this Country; I have Writ about it, to Mr. Blathwayt: If the Matter should Succeed, you might get some Place worth your Return; of which I should be very Glad. If I can any ways Serve you or your Friends, Pray Signify it to (Dear SIR)*

* See P. Dudley's Original Letter to Mr. W. Wharton Printed at London with some Necessary Queries.

Your Affectionate Friend,
and Humble Servant,

PAUL DUDLEY."

Paul Dudley was one of the few trained lawyers of the early Provincial period, and notwithstanding party rancor and in spite of the vituperation showered upon him by political opponents, his great abilities and many accomplishments compelled the admiration and respect of the entire community.

He lived first in Boston, where he took a prominent part in town affairs. He was chosen Moderator of various town meetings¹ and served on several important committees.

At a town-meeting² held in Boston December 27, 1708, it was voted that

"a Committee be chosen to draw up a Scheme or draught of a Charter of Incorporation (or any other projection) for the Incouragement and better Governm^t of this Town,"

¹ Boston Town Records, II. 305, 339, 344.

He served on Committees also —

"To prevent damage by the Sea's wasting away y^e neck." (December 19, 1709. Town Records, II. 306.)

On the surrender of the "Lease of y^e Town Dock, or Bendalls Dock." (March 13, 1709-10. *Ibid.*, II. 311.)

"To consider and prepare what they Shall think proper to be layd before the Town." (March 13, 1710-11. *Ibid.*, II. 323.)

"To Treat wth D^r Cook Ab^t his Incroachm^t on King street." (March [April] 3, 1711-12. Selectmen's Minutes, II. 40.)

² Boston Town Records, II. 299.

and Dudley was one of the thirty-one freeholders and inhabitants who constituted that Committee.

At a town-meeting¹ held in Boston, March 11, 1711-12, he was chosen one of the Selectmen.

At a town-meeting² held in Boston, March 9, 1712-13, he was again chosen one of the Selectmen, but declined to serve.

He published his Objections to the Bank of Credit³ in 1714.

As early as 1706, when it was thought that Isaac Addington, then Secretary of the Province, was about to die, Governor Dudley wrote the following letter:⁴ —

“BOSTON, 15 Febr. 1705-6.

HONORABLE S^r, — Besides my other letters wherewith I have troubled you, this is upon the perticular ocasion of M^r Secretary Addington, who has been long in service here, the most diligent servant her Majesty has in America; but he is lately much indisposed and I dowt will not live long. I humbly ask your favour for my son, Paul Dudley, that in case I should further advise that M^r Secretarye's service is ended, which yet I heartily desire may last long, that he may stand in your favour for that office. Tho' there is no salary to be had, the fees are worth sixty or seventy pounds per annum, and will assist him. His attorney general's place is not worth to him twenty pounds per añum, tho' he drudges at it, as well as his other law. And I should be glad my self to be honored to be your deputy auditor, and should serve it carefully. I hope, notwithstanding what I write, M^r Addingtons life & health.

I am S^r your Honours most faithful humble servant,

J. DUDLEY.”

This appointment was not made, for Addington unexpectedly recovered and continued in office for nine years longer. After his death, however, which occurred March 19, 1714-15, the Governor appointed,⁵ March 26, 1715, Addington

¹ Boston Town Records, II. 335.

² *Ibid.*, II. 339.

³ J. Hammond Trumbull (Proceedings of the American Antiquarian Society, New Series, III. 291) says that “Of nearly thirty pamphlets and tracts printed from 1714 to 1721, inclusive, for and against a private bank or a public bank, the emission of bills of credit, and paper-currency in general, this of Mr. Dudley's was the first, and is in some respects the ablest.”

See also *Ibid.*, New Series, XI. 76; New England Historical and Genealogical Register, XIX. 166-168; Currency and Banking in the Province of the Massachusetts-Bay, by Andrew McFarland Davis, II. 87-90.

⁴ Winthrop Papers, V. 551.

⁵ Council Records, VI. 335; Mass. Archives, XLVIII. 427; Boston News Letter, April 18, 1715.

Davenport and Paul Dudley Commissioners to take care of the seals and the office until the appointment of the new Secretary. Samuel Woodward, the new Secretary, arrived in Boston September 22, 1715, and was sworn in on the 24th of that month.

Another unsuccessful attempt of Governor Dudley is thus chronicled by Judge Sewall:¹—

April 7, 1715. "Gen^l Council p. m. Gov^r propounds Mr. Paul Dudley for Judge of Probat. Ten No's; Eight yea's, as the Gov^r told them."

Still another effort to advance the fortunes of Paul Dudley is recorded by Judge Sewall:²—

"Satterday, Feb: 8 [1717-18]. Afterward Mr. Belcher [Governor Belcher] enter'd into discourse about the Nomination and Appointment of Officers to be next week propounded, that Paul Dudley esqr. might be Chief Justice; and I put in Col. Hutchinson's Room, that place being near as profitable. Gov^r would do nothing to displease me. Mr. Dudley would be Chief Justice or nothing: was of a good Family, Capacity, his Country had yet done little for him."

This prospect does not appear to have pleased Judge Sewall, for he adds:—

"I desired a day or 2. to Consider of it. He desired it might be between the Gov^r, himself and me."

Notwithstanding "Mr. Dudley would be Chief Justice or nothing," the Council Records³ under date of November 20, 1718, record the fact that

"Paul Dudley Esq^r [was appointed] one of y^e Justices of the Superior Court of Judicature &c throughout this Province,"

¹ Sewall's Diary, III. 45.

Judge Sewall's apprehensions (*Ibid.*, III. 105) seem to have been aroused on the arrival, October 5, 1716, of Governor Shute to succeed Governor Dudley. When the signal gun announcing his coming was heard, the Judge and the other members of the Committee "Go aboard the Ship under sail, . . . and Congratulated the Governour's safe Arrival. The Dept^s had invited him to Col. Tayler's to lodge, till he went into his own house. They say his Excel's Answer was, He engaged in London to lodge at Mr. Paul Dudley's. . . . The Governour's going to Mr. Dudley's makes many fear that he is deliver'd up to a Party. *Deus avertat Omen!*"

² Sewall's Diary, III. 167.

³ Council Records, VI. 623.

and it was not until January 24, 1745-6, long after Judge Sewall had passed away, and on the death of Chief Justice Lynde, that Paul Dudley was appointed Chief Justice.¹

He was chosen, May 30, 1718, a member of the Council,² and he held his seat until 1736, except in the year 1730. In 1737, 1739, and 1740 his election was "negatived" by Governor Belcher.

He continued to live in Boston — and he is described in deeds and other instruments as "of Boston" — until about the time of the death of his father in 1720, when he removed to Roxbury.³ There he played a conspicuous part in the affairs of the town, serving on committees and acting as moderator of various town meetings.⁴

At a town meeting⁵ held in Roxbury May 17, 1738, he was chosen a Representative to the General Court, but thanking the town for the respect paid him, he declined the honor.

At a town meeting⁶ held May 14, 1739, he was again chosen a Representative, and this time he accepted. The House elected him its Speaker, but the Governor not consenting, another was chosen Speaker in his stead. He was re-elected the following year, 1740, and again in 1741, a Representative⁷ from Roxbury.

¹ Council Records, XI. 553; Boston News Letter, January 30, 1746.

² General Court Records, X. 230; Boston News Letter, June 2, 1718; Belcher Papers, II. 264, 265, 267, 300, 317, 333, 508.

³ The Boston News Letter of September 25, 1721, contains the following: —

"ROXBURY, September 19th. 1721.

Last Night about the Middle of the Night, the House of Paul Dudley Esq; in Roxbury, was broke open, and from thence stole and carried away, viz. A pair of Silver Candlesticks of Mr. Dummer's make, a Silver-hilted Sword, Silver Spurs, and Silver Buckles, Three or Four small Silver Tea-Spoons: a Bever Hat, a light Perriwig ty'd up, almost New; A gray broad Cloth Coat, trim'd and fac'd with black, half worn, half a dozen Holland Shirts, Three Shifts, Four Muslin Neckcloths, and a pair of English Mens Shoes, rosted Soles. Whosoever shall apprehend and take up or stop and secure the abovesaid things, or any of them, so that they may be conveyed to the abovesaid Owner at Roxbury, shall be well Rewarded, and necessary Charges paid."

Samuel Sewall, Jr., in his Notes (Sewall's Letter Book, II. 303) says: "July 17th. [1722] Judge Dudley's House Raised," and Judge Sewall (Diary, III. 319) January 22, 1722-3, when he went to Roxbury Lecture, "Visited Mr. Dudley and wish'd him joy of his new House."

⁴ Roxbury Town Records, I. 328, 337; II. 22, 24, 28, 43.

⁵ *Ibid.*, II. 56.

⁶ *Ibid.*, II. 61; Boston News Letter, May 17, 1739.

⁷ Roxbury Town Records, II. 67, 70, 71. He was one of a Committee appointed by the House July 17, 1741, to prepare a new edition of the Province Laws. (General Court Records, XVII. 3, 19.)

He was one of the Feoffees of the Roxbury Latin School, and when the old school house, which had gone to decay, was replaced by a new one in 1742, he "was pleased to bestow, for the use of said school, a good, handsome bell."¹

Some of the old milestones, marked with the initials P. D., erected by him in Roxbury, are still to be seen; but the stone bridge built by him over Smelt Brook, for which he received the thanks of the town and which was named "Dudley's Bridge,"² has long since disappeared.

He was appointed,³ September 9, 1721, by the Governor and Council, one of the Commissioners to meet the Five Nations at Albany.

He had always shown a scholarly interest in the Indian languages, and a valuable letter⁴ dated Chilmark, March 20, 1721-2, to him on that subject, apparently in response to some inquiries of his, is still extant. It was written by Experience Mayhew of Martha's Vineyard, a most competent authority for he had "an hereditary interest in the apostolic mission to the Indian," and had been "in childhood a play-mate with the Indian children." As he himself says, "I learnt the Indian Language by Rote, as I did my mother Tongue, and not by Studying the Rules of it as the Lattin Tongue is comonly Learned."

Dudley was elected, November 2, 1721, a Fellow⁵ of the

¹ History of the Grammar School in Roxbury, by C. K. Dillaway, p. 64; "The Roxbury Latin School," by the Rev. James De Normandie, in the New England Magazine, XVIII. 388.

² At a town meeting held in Roxbury, March 7, 1719-20 (Roxbury Town Records, I. 305), the following vote was passed:—

"Voted that the Select men are desired to Return thanks to the Honourable Paul Dudley Esq^r for Building the upper Stone bridge over Smelt brook in the town street, And that henceforward it be Called by the name of Dudleyes Bridge."

³ Council Records, VII. 306, 424.

In 2 Mass. Hist. Soc. Coll., VIII. 243, there is an Account of the Names and Numbers of the Five Indian Nations in Alliance with the Government of New York and under the Protection of the Crown of Great Britain, "taken from a memorandum of Paul Dudley's Esq. who had it at Albany in October, 1721 when an agent of the Province of the Massachusetts to treat with the five nations abovementioned. Copied 3d of Nov. 1721."

⁴ This letter of Experience Mayhew was printed, with an introduction by the late John S. H. Fogg, M.D., in the New England Historical and Genealogical Register for January, 1885, (XXXIX. 10).

See also "English Definitions of Indian Terms. From Paul Dudley's Papers," by J. Wingate Thornton (1 Maine Hist. Soc. Coll., V. 425).

⁵ Thomson's History of the Royal Society, Appendix, XXXV. See also New England Historical and Genealogical Register, XLVI. 117.

Royal Society of London, and he communicated a number of papers to the Transactions of that Society.

The following letter¹ to John Chamberlayne, also a Fellow of the Society, is interesting in connection with this subject:—

“DEAR SIR,

About twenty dayes since I wrote a large Letter to our Brother Newman by Capt. Clark wherein I have taken particular notice of Professor Brandts noble History of the Reformation in Holland &c. and of Your merit in translating it to which I shall add no more in this than to say how much our College is obliged for Yr. repeated Favours of that kind and that the book is making all the hast it can thither. But I believe his Excellency will arrest it in the way for his own reading on my commendation. I am mightily pleased to hear you think of adding to Your Version of the Lord's prayer and Hope to have the Honour of casting in at least a Mite into Your great and rich Treasury. But then it must be upon Condition or as Lawyers phraze it in their Conveyances, provided alwayes that in Your next Edition you doe new England and our famous Eliot justice in Expunging Virginia and make the title of that Version as it ought to be *Nov-angliæ Ex Versione Celeberrimi Elioti*. I beseech you not to forget it. The Version I now send you has not the Conclusion of the Lord's prayer for what reason I know not, it is just as the Jesuit who is a man of some Learning rendred and Taught it to the Eastern Indians and You need not scruple to put it among the Number; I shall Endeavour in a few Months to send you another Version in the pequot or Moheeg Language. They are a considerable Tribe of Indians to the westward of Boston as the Kennebeck are towards the Eastward. During the time our Indian Hostages and the Interpreter were at Boston I composed a small Nomenclature to which I have added some Remarks on the Indian Language with an Account of some of their manners and Customs with my Opinion of their Origine or first Migration. But I dare not send it for fear You should first laugh at me yourself and then expose me to others. I shall very speedily send the Society some curiosities of Our Rattlesnakes which I believe you have not Yet met with. But they are frozen at present. I have lately been at Albany, which is a small City

¹ New England Historical and Genealogical Register, XIX. 20-22.

Mr. William S. Appleton, who communicated this letter to the Register, adds that Chamberlayne “was ‘distinguished as a linguist,’ which is abundantly proved by the work of which Dudley writes, viz. ‘*Oratio Dominica in Diversas Omnium fere Gentium Linguas versa*,’” etc. etc., published in 1715. “It contains versions of the Lord's Prayer in about one hundred and fifty languages or dialects, including three of the Indians of North America. The one which displeased Dudley is described in the preface as, ‘*Virginianam ex Bibliis Cantabrigiæ impressis*.’”

in the Government of New York and situated upon Hudson's River above fifty Leagues from the sea. You will easily find it in any Map of North America; There I met with a French Trader and a Man of good sence Just come in from Canada; he gave me a very particular acc^t of the famous Falls of Niagara & assured me He had seen them at seaven different times. I have chosen to draw it up in a paper by itself that so you may the better communicate it if You think it deserves that Honour; I wish I had met with it before I sent You Kellugs Voyage to Mississippi that so I might have Joyned them together. However this of Niagara may serve as an Appendix to that of Mississippi: as I remember I desired You to present the Latter to the society in Generall & in speciall to professor Hal'ey. But whoever it was or wherever it is, this of Niagara must follow it. I shall endeavour to gratifie Dr. Mead with some of the poysen-wood. But as to More Experiments our People don't much care for making them, if I have not been particular eno in my acco't of that matter you must tell me what further satisfaction the Doctor wants. But in Generall as to its poysinous Quality and Operation viz by the scent and touching, I can have many declarations of it Offer'd upon Oath if need be. I am afraid I have tired you with this long Letter and Yet I cant put an End to it untill I have with abundance of Thanks and Respect acknowledge Your last kind Letter under Mr. Newman's Cover, & the many honours You are conferring upon me & especially of allowing me to be Sr.

Yr. mos affectionate humble servant

PAUL DUDLEY.

Roxbury, new England, 20th Jan. 1721-22.

Superscribed. — Copy to Mr. Chamberlayne
about Niagara and Indians Lord's prayer.
1721 January."

He was one of the proprietors of Leicester in 1713, and when the Town of Dudley¹ was established by Act of the

¹ The First Book of Records of the Town of Dudley is thus inscribed:—

"The Gift of Paul Dudley Esq^r to the town of Dudley
Roxbury the 17th of Novem^r 1732."

There was given to the town of Oxford, for the use of the minister, a library of books contributed, some of them as early as 1719, by Paul Dudley, the Rev. Benjamin Wadsworth, and other gentlemen of Boston and its vicinity. Some of these books are now in existence. One "is entitled 'Hexapla,' or commentary on Romans. On the back of the title-page is written 'Roxbury 3^d July 1736. For the use of the Parish Library in Oxford New England the Rev Mr. Cambel being the present minister

Given by Paul Dudley.'"

Paul Dudley also gave a volume by William Morice, Esq.

The Rev. John Campbell in his book published in 1743 "acknowledges his indebtedness to this collection, and adds: 'The Honorable Judge *Dudley* devised

General Court, February 2, 1731-2, he was one of the largest landowners.

In 1736 he was one of the Prince Subscribers.¹

The Boston News Letter of January 31, 1751, contains the following notice of his death:—

“Last Friday Evening died at his Seat in *Roxbury*, in the 76th Year of his Age, the Honourable PAUL DUDLEY, Esq; Chief Justice of His Majesty’s Superior Court of Judicature, Court of Assize, &c. within this Province.”

The Boston News Letter of February 7, 1751, contains the following:²—

“ROXBURY, *February 2. 1750, 1.*

Yesterday, with great Decency and Respect, were interr’d here the Remains of the Honourable PAUL DUDLEY, Esq; Chief-Justice of the Superior Court of Judicature, &c. within this Province: A Gentleman not more distinguished by his high Station, than by his eminent Virtues and great Abilities, so long and happily employ’d for the Good of the Public.

He was born at *Roxbury* in the Year 1675, was the Grandson of THOMAS DUDLEY, Esq; one of the first Governors of the *Massachusetts* Colony, and the eldest surviving Son of the late Governor DUDLEY, to whose Estate, as he was principal Heir, so he inherited a large Share of those superior Talents that enrich’d the Mind of that great and accomplish’d Gentleman. At the Age of eleven Years he was found qualified for an Admission into *Harvard-College*, where he proceeded Batchelor of Arts in the Year 1690, and Master of Arts in the Year 1693. Soon after which he went over to *England*, and was enter’d a Student in the Inner-Temple. After he had finished his Studies there, and had been

this liberal thing and seduously promotes it among Gentlemen. The Donors’ names are in a Catalogue of the Books, *in perpetuum Doni memoriam*; I hope their Names will be in everlasting Remembrance with the Lord.” (Daniels’ History of Oxford, 104 and note.)

¹ New England Historical and Genealogical Register, VI. 192, XIII. 139; Memorial History of Boston, II. 562.

² This obituary notice was written by Chief Justice Stephen Sewall, Dudley’s successor as Chief Justice. It was afterward reprinted in separate form. Chief Justice Stephen Sewall must not be confounded with Chief Justice Samuel Sewall, his uncle, to whom we owe the invaluable Diary. See also Eliot’s Biographical Dictionary, 159-161.

Samuel Curwen, the Loyalist, who was graduated at Harvard College in 1735 and who has left us a most interesting Journal, kept by him when in exile in England, writes, under date of July 4, 1775, that he saw at the King’s Bench, London, Lord Mansfield and Mr. Sergeant Wedderburne.

“Lord Mansfield’s manner is like the late Judge Dudley’s, of Massachusetts. His peering eyes denote a penetration and comprehension peculiarly his own.”

called to the Bar, he return'd to his native Country, to the Service of which he had early devoted himself.

As his natural Endowments were uncommon, so he had abundantly furnished his Mind by great Reading and close Study. His Knowledge (far from being confin'd to the Law) was great in most Parts of Literature: He was well versed in Natural Philosophy; an honourable Proof of which was his being a Member of the ROYAL SOCIETY: He had thoroughly studied Divinity: And in History, both civil and sacred, he had scarce an equal. These were some of the Accomplishments which so well qualified him for public Service, which was the constant Business of his Life.

Upon his Return to *New England* he was appointed Attorney-General for the Province, and for several Years he served the Public in that Capacity. He was some time a Representative for his native Town in the General Court; and sate for many Years at the Council-Board; In all which important Offices he acquitted himself with great Fidelity and Honour. But it was in the Seat of Justice he was most generally known, and therefore most admir'd. To that he was advanced in the Year 1718, being then appointed one of the Justices of the Superior Court, of which, upon the Death of the Honourable Judge LYNDE, he was commissioned the Chief-Justice: and in this high and important Station he served the Province till his Death. Here it was that he display'd so eminently his admirable Talents, especially his quick Apprehension, his uncommon Strength of Memory, and extensive Knowledge; and at the same time his great Abhorrence of Vice, together with that impartial Justice which neither respected the Rich, nor countenanced the poor Man in his Cause. Thus while with pure Hands and an upright Heart he administred Justice in his Circuit through the Province, he gain'd the general Esteem and Veneration of the People. As his Presence always commanded Respect, so it might justly be said of him that he scatter'd Iniquity with his Eyes, which struck with Awe the most daring Offenders. When he spake, it was with such Authority and peculiar Energy of Expression, as never fail'd to command Attention, and deeply impress the Minds of all who heard him; and his Sentiments of Law and Evidence in all Causes before the Court, had generally a determining Weight with those who were charged with the Trial of them.

The Powers of his Mind retain'd their Vigour to a remarkable Degree in his advanced Age; though he labor'd under great Indispositions of Body: These were often heavy upon him while attending the Business of the Court, which perhaps occasioned his discovering some Impatience, when Arguments at the Bar were drawn out to a great Length, and his expressing himself with some Appearance of Severity: But if hereby he gave any Disgust in public, he made full Amends for

it in private; where all who enjoy'd his Company were charm'd with his entertaining and polite Conversation: For, with all his other Accomplishments, he had naturally a most happy Turn for Conversation; in which he always shew'd the Gentleman, the Scholar, and the Christian.

As he early made a Profession of the Christian Religion, so he was ever careful to adorn it by a suitable Conduct in the several Relations of Life. He always express'd a tender Concern for the Interests of his Country, both civil and religious, and greatly lamented any ill-boding Aspects upon either. He was a Friend and Patron to Men of Learning and Religion, especially to the Clergy, to whom he always shew'd a particular Respect. The Interests of our College he tenderly regarded while he lived; and at his Death he enrich'd it by a generous Donation.

All who had the honour of an acquaintance with him and his Family, knew him to be one of the most tender Husbands, a kind indulgent Master, a good Neighbour, and an affectionate Friend. As in his own House his Behaviour was truly exemplary; so he was an eminent Pattern of just Deportment in the House of GOD: His unaffected Gravity and devout Attention, while engag'd in Divine Service there, shew'd him to be what he was at Heart, a Man of real Religion. This Religion was his Support and Comfort in the Hour of Death. He had the Exercise of his Reason during the whole of his Sickness; and all along discover'd that Humility, Patience, Charity and Confidence in his GOD and SAVIOUR, which one would wish to see in a dying Friend.

His vertuous Consort, (to whom he owed no small Part of the Happiness of his Life,) was one of the Daughters of Colonel JOHN WAINWRIGHT of *Ipswich*. By her he had several Children, who all died in their Infancy. This Lady still lives to deplore her great Loss, and mingle her Tears with those of the Public."

He was buried in the Dudley Tomb¹ in Roxbury.

In his will dated January 1, 1750, probated February 15, 1750, he gave to Harvard College £133. 6. 8 to be appropriated as he should direct. And by another instrument he afterward ordered the yearly income of that sum to be applied toward supporting an anniversary sermon or lecture to be preached at the College once every year on certain topics selected by him.

This is the "Dudleian Lecture" which is still given according to his will.

¹ 1 Proc. Mass. Hist. Soc., XX. 212.

Historic Burial Places of Boston and Vicinity; Old Roxbury Burial Ground, in Proceedings of the American Antiquarian Society, New Series, VII. 404.

By his wife, Lucy Wainwright,¹ whom he married in Ipswich, September 15, 1703, he had several children² who died in infancy.

His portrait³ and that of his wife are in the possession of Dudley Richards Child, of Boston.

He was the author of the following works:—

Objections to the Bank of Credit Lately Projected at Boston. Being a Letter upon that Occasion, to John Burril, Esq; Speaker to the House of Representatives for the Province of the Massachusetts-Bay, in New-England. *Better is a little with Righteousness, than great Revenues without Right.* Boston: Printed by T. Fleet, in Pudding-Lane, near King-Street. 1714.

An Essay on the Merchandize of Slaves & Souls of Men, Revel. XVIII. 13. With an Application thereof to the Church of Rome. Added, an Exercitation on Numb. XXXII. 10, 11, 12, with an occasional Meditation on I. Sam. XXIII. 11, 12. By a Gentleman. Boston in N. E. Printed by B. Green. 1731.

and the following papers in the Philosophical Transactions of the Royal Society of London:—

¹ “*The Character of a Christian’s Life and Death illustrated.* A SERMON Upon the Death of Mrs. Lucy Dudley, Relict of the late Honourable Paul Dudley, Esq; Who Died October 24, 1756. Æt. 72. Preached at Roxbury, October 31, 1756. By Amos Adams, A.M. Pastor of the First Church in Roxbury. BOSTON: Printed and Sold by EDES and GILL, next to the Prison, in Queen-Street, 1756.”

The Boston News Letter of January 13, 1757, contains the following: “To BE LETT, The Mansion-House of the late Hon. Judge DUDLEY, deceased in Roxbury; together with the Coach-House, Barnes, and other out Buildings; and Gardens; with about Thirty Acres of Land. Enquire of Samuel Williams, Retailer, or Thomas Dudley, of Roxbury aforesaid.”

² The births of these children are recorded in the Boston Records. Their baptisms are to be found in the Records of the Brattle Street Church. Dudley was admitted to full communion with the First Church in Roxbury, December, 1696.

Judge Sewall (Diary, II. 129), under date of April 26, 1705, notes the burial of the first born of these children.

“Mr. Paul Dudley buries his little son Thomas: . . . On the coffin was nail’d a little Plate of Lead with this Inscription

Thomas Dudley.

Pauli Dudlæi Armigeri et Lucie uxoris Filius primogenitus, Nepos Josephi Dudlæi Gubernatoris Novæ Angliæ. Natus est 13. Aprilis 1705. Obiit 25 ejusdem.”

³ There is a photographic copy of each of these portraits and of the “Parting Stone 1744 P. Dudley” in the Report of the Third Annual Meeting of the Governor Thomas Dudley Family Association. Dudley’s portrait may be found also in the History of the Dudley Family, by Dean Dudley, I. 184; in the New England Historical and Genealogical Register, X. 343; and in the Rev. James De Normandie’s account of the Roxbury Latin School in the New England Magazine (XVIII. 391). See also *Ibid.*, XIX. 641.

An account of the Method of making Sugar from the juice of the Maple-tree in New England	XXXI.	27.
A description of the Moose deer in America	XXXI.	165.
Account of the Poison-wood-tree in New England	XXXI.	145.
A method lately found out in New England for discovering where the Bees hive in the woods, in order to get their Honey	XXXI.	148.
An Account of the Falls of the River Niagara	XXXII.	69.
Of a new sort of Molasses made of apples	XXXII.	231.
Of the Degenerating of Smelts	XXXII.	231.
Account of the Rattle-snake	XXXII.	292.
An Account of an extraordinary cure by Sweating in Hot Turf; with a description of the Indian Hot-houses	XXXIII.	129.
Observations on some Plants in New England, with remarkable instances of the Nature and Power of Vegetation	XXXIII.	194.
An Essay upon the Natural History of Whales, with a particular account of the Ambergris, found in Spermaceti' Whales.	XXXIII.	256.
An Account of a Stone taken out of a Horse at Boston, in New England, 1724.	XXXIV.	261.
An Account of the several Earthquakes which have happened in New-England since the first settlement of the English in that country, especially of the last, which happened in October 29, 1727	XXXIX.	63.

Some MS. notes are in the Boston Public Library. A diary kept by him in an interleaved Almanac for the year 1740 was printed in the New England Historical and Genealogical Register for January, 1881, XXXV. 28. See also *Ibid.*, XV. 58.

JOSEPH MARION.

1715-1717.

Joseph Marion, son of John Marion,¹ was born in Boston, June 10, 1686, and was baptized June 13, 1686, at the First Church, of which his father was a Deacon.

He was admitted to membership in the First Church, March 27, 1715.

¹ Memorial History of Boston, II. 546; History of the First Church, Boston, 163; New England Historical and Genealogical Register, XLV. 86-88; Bridgman's Inscriptions in King's Chapel Burial Ground, 264.

He was bred a scrivener.¹

At a Council² held in the Council Chamber in Boston, December 9, 1715,

“The Hon^{ble} The Lieutenant Governor nominated . . . Samuel Sewall Esq^r to be Judge of Probate of Wills in the County of Suffolk
M^r Joseph Marion to be Register to the Judge.”

On the arrival of Governor Shute in 1716, Judge Sewall³ secured his own reappointment as Judge of Probate, but Joseph Marion was told that the Governor had already in London promised the place of Register of Probate to John Boydell.

Marion continued to attest, as Register, the Probate records to June 27, 1717.

At a town meeting⁴ held in Boston, March 13, 1715/6, he was one of the candidates for County Register, but Colonel John Ballantine received a majority of the votes cast, and was elected.

Jos: Marion

He was appointed May 10, 1716, Deputy Secretary⁵ of the Province, Samuel Woodward being then Secretary, but when Josiah Willard was appointed Secretary in the place of Woodward, December 4, 1717, the Council⁶

“Ordered That Joseph Marion Deputy Secretary to Sam^l Woodward Esq^r late Secretary of this Province, with all convenient speed make delivery of all publick records books & records of the Council & Assembly with the Seal of the Province, enrowlment of the Laws and Files of Papers & all utensils &^{ca} of & belonging to the s^d Secretary's Office.”

¹ Judge Sewall, March 8, 1707 (Diary, II. 182), wrote some verses in honor of Queen Anne, who began on that day the sixth year of her reign, “Having got Mr. Joseph Marion to write the verses fair, I gave them to Mr. Winthrop, in the Governour's absence, saying, I can't drink the Queen's Health, *parvum parva decent* — Accept of a small essay for the honor of my Sovereign.”

² Council Records, VI. 396.

³ Sewall's Diary, III. 114.

⁴ Boston Town Records, II. 364.

⁵ Council Records, VI. 448; Boston News Letter, May 14, 1716.

⁶ Council Records, VI. 526, 527.

He was by occupation a scrivener, and for nearly twenty years after he ceased to be Deputy Secretary, the Council Records¹ show that warrants were continually issued to pay him for "writing for the Publick" "writing for the Gov't," etc. etc.

In Judge Sewall's Letter Book² there is the following

"LETTER OF RECOMMENDATION.

Copy of a Certificat given Mr. Joseph Marion at his desire.

These are to certify whom it may concern, that when I had the Favour to be Appointed Judge of Probat for the County of Suffolke, by the Hon^{ble} William Tailer Esqr. Lieut. Governour, and Commander in Chief of this Province, with the Consent of the Hon^{ble} Council, Mr. Joseph Marion was at the same time Appointed my Register. And during that Relation, he behaved himself very agreeably, with Skillfulness, Industry, and Integrity. And after the said Marion ceased to be Register, he has frequently attended the Court of Probat as there might be Occasion, with sutable Demeanour, in Proving of Wills, pleading as an Attorney for Parties, writing for them, and forming their Accounts so as they might be received in the Court of Probat.

SAM^l SEWALL.

BOSTON OF THE MASSACHUSETTS BAY,
February the Eleventh, 172⁸."

He was appointed August 3, 1720, by the Archbishop of Canterbury a Notary Public.³

Joseph Hiller and Samuel Tyley, who had been elected by the General Court November 11, 1720, Public Notaries in Boston, memorialized the General Court, December 15, 1720,

"That M^r Joseph Marion of Boston Scrivener (as they are inform'd) takes upon him the Character & Acts as Publick Notary for the Province, Under Pretence (as is commonly said) of a Commission from his Grace the Archbishop of Canterbury,"

¹ Council Records, VII. *et seq.*

² Sewall's Letter Book, II. 261.

³ Province Laws, I. 731 note; General Court Records, XI. 108.

In the Boston News Letter of October 31, 1720, Marion announces his appointment, August 3, 1720, by the Archbishop of Canterbury, as Notary Public, and adds :—

"N. B. The said Marion keeps his Office on the North side of the Court House or Exchange in *Boston*, where the Merchants, Trading part and others may be furnished with all Instruments of Conveyances, Sales, Contracts, Agreements, and Merchants Affairs, as well as other Clerkship with Fidelity and Dispatch. *Boston in New England, Octob. 24th Anno Dom 1720.*"

and they asked the Court to interpose. After a hearing before the whole General Court, at which his commission was produced and read, a Resolve was passed that the nomination and appointment of persons to the office of Public Notary

“of right & by Virtue of the Royall Charter is vested in his Majesties Governm^t: of this Province & has been at all Times So practised, And that for any person or persons within this Province to Claim or Act in the s^d. office without a Commission from this Governm^t: is Contrary to and a Breach of the priviledges of the Royall Charter, and that M^r: Joseph Marion be Served with a Copy of this Resolue, & be directed to Act no further as Notary Publick in this Province, Unless he be chosen to that office by this Court.”

Notwithstanding this Resolve, Marion continued to act as notary.¹

In 1724 he opened the first insurance office ever established

¹ In the Boston News Letter of December 15, 1737, there is the following announcement:—

“WHEREAS some Invidious and Evil-minded Person for a considerable Time past, has industriously Reported in and thro’ this Town and Province, and the adjacent Provinces and Colonies, That Joseph Marion, dwelling in Boston in New England, who by Royal Authority on the third of August 1720, was appointed a Notary and Tabellion Publick, is superseded in his said Office of Notary; which Report could be with no other Design than to impose on the Publick, and injure the said Marion in his Living and Employment,

THESE are therefore to Certify the Merchants, Trading Part, and others, that the said Report is altogether groundless, and without the least shadow of Truth: For that the said Merion still Holds and Exercises his said Notarial Faculty, in like manner as he has done for seventeen Years last past, at his Office in King-street, Boston, opposite to the North Door of the Court-House or Exchange; where the Merchants, Trading Part and others, may be furnished with all Instruments of Conveyances, Sales, Contracts, Agreements and Merchants Affairs, as well as other Clerkship with Fidelity and Dispatch.”

To this a reply was made in an advertisement of John Stuart, published also in the Boston News Letter of December 15, 1737, reciting that whereas some Invidious and Evil-minded person, supposed to be Joseph Marion, had, in the Gazette of the 12th inst. and in other places, publicly advertised that the said Marion is not superseded in the office of Notary Public, but that the said Marion still holds his Notarial Faculty appointed August 3, 1720, which advertisement could be with no other design than to injure said Stuart, these are to certify that said John Stuart is the only person, commissioned by the Archbishop of Canterbury, now in the Province to act as Notary and Tabellion Publick; that the said “Stuart still keeps his said Office at Mr. John Franklin’s between the Dwelling-Houses of Messi Andrew Lane and said Marion at the North side of the Town House, where the said Marion as well as all Gentlemen, Merchants and others” may be furnished with writings. “So that the said Marion, may not think it altogether an Imposition on the Publick if there is such a Report that he is superseded in his aforesaid Office,” etc., etc.

in Boston.¹ He is thought to have been "the first underwriter ever known in Boston; and, what is more, the first person in America to enter definitely into this business."²

He also carried on a Lottery Office, disposed of lands and general merchandise by lottery,³ and was one of the partners in the Land Bank⁴ of 1740.

He was active in town meetings, served on numerous committees,⁵ and was one of the sufferers in the Great Fire of

¹ In the Boston News Letter of Dec. 26, 1745: —

"The Publick is hereby advertised, That the INSURANCE-OFFICE first opened in *Boston*, Anno Dom. 1724, by *Joseph Marion*, Notary-Publick, is still held and kept by him on the North Side of the Court-House, near the Head of King-street, where Money upon the Bottom of Ships and Vessels may also be obtained for a reasonable Premium; which Affair of Merchandize as well as other Clerkship, the Trading Part and others may be by him furnished, with Fidelity and Dispatch."

He seems to have contemplated, a few years later, an assurance office to insure houses and household goods, for The New England Weekly Journal of November 25, 1728, contains the following notice: —

"Whereas a Scheme is Projected for the Erecting an Assurance Office for Houses and Household Goods from Loss and Damage by Fire in any part of the Province of the Massachusetts-Bay, by the Name of the *New-England Sun-Fire Office in Boston* . . . the said Scheme or Proposals may be seen at the Office of Mr. *Joseph Marion* on the North side of the Court-House or Exchange in Boston."

² Memorial History of Boston, IV. 179, ch. vii.; Insurance in Boston, by Osborne Howes, Jr.

³ Boston News Letter, September 14, 1719. See also Suffolk Court Files, CXXVI. 12, 37; CXXVIII. 139, 140.

⁴ New England Historical and Genealogical Register, L. 187, 310; Mass. Archives, CII. 53.

A photographic copy of a bill of the Land Bank payable to Joseph Marion or order may be found in Andrew McFarland Davis's "Currency and Banking in the Province of the Massachusetts-Bay," II. 224. See also Publications of the Colonial Society, III. 12.

⁵ Some of these committees were as follows: —

At a town meeting held March 10, 1734/5, he was appointed one of a Committee to consider the petition of the inhabitants of Rumney Marsh (Town Records, III. 142).

At a town meeting held May 7, 1735, the Selectmen made a report on Mr. Marion's Proposals referred to them March 12, 1734/5. These proposals were eight in number and in writing, signed by Joseph Marion. One of these proposals was

"That as the Release of Mr. Blackston the First Proprietor of the Town of Boston made by him to the said Town is now on File in the Town Clerk's Office, as also the Indian Deeds to the Select Men — That the Said Release and Deeds be Registered by the Town Clerk in his said Office, That so the Town may have Recourse to the same when there may be Occasion therefor" —

Another, — "That all Deeds, Leases, Releases, and Instruments in writing made and Executed by the Select Men of the said Town in their said Capacity or the Town-Treasurer in his said Capacity be Registered by the Town Clerk in a Book of Records to be specially kept for that purpose — By which Means, a

1760, "the most terrible Fire that has happened in this Town, or perhaps in any other Part of North-America, far exceeding that of Octo. 2, 1711." ¹

The Boston Gazette of Monday, October 12, 1761, contains the following:—

"Yesterday morning died here, Mr. *Joseph Marion*, aged about 76 Years. We hear his Funeral is to be attended on Wednesday next."

few Hours may discover a Hundred Years Transactions, When much time may be spent in Searching for Papers on File—Which Files are liable to be Mislay'd, or lost,—Of which the Town has a Memorable Instance in the loss of a Paper of the greatest concern to the Town." (Town Records, III. 157.)

At a town meeting held August 5, 1735, he was chosen one of a Committee to draw up an answer to the "Petition of John Bowles, Thomas Tilestone, and Seven Others, Representatives of several Towns within the County of Suffolk, preferr'd to the Great and General Court—Praying, That Boston may be a County by itself, And the Country Towns in the County of Suffolk a County by themselves." (*Ibid.*, III. 166.)

At a town meeting held November 21, 1738, he was chosen one of a committee to draw up an answer to the "Petition of Sundry of the Inhabitants of the District of Rumney-Marsh, within the Township of Boston, Presented to the Great and General Court, to be Set off and Erected A distinct and Separate Township." (*Ibid.*, III. 321.)

At a town meeting held May 2, 1739, he secured the appointment of the committee "to Consider of Ways and Means for Retrenching and Lessening the Annual heavy growing Charge of this Town." (*Ibid.*, III. 355.)

He was also on various committees in 1740–1742 in regard to encroachments on the Town's rights at Fort Hill. (*Ibid.*, III. 404, 415, 416, 432, 464, 468, 477.)

At a town meeting held March 14, 1742/3, there was "A Motion made by Mr. Joseph Marion that the Thanks of the Town be given to Mr. John Lovell for his handsome Performance in the Forenoon in Pronouncing the Oration desired of him by the Select Men on Occasion of the Death of Peter Faneuil Esq. & that the same be Entred in the Records of the Town & that a Copy thereof be desired for the Press." (*Ibid.*, III. 511.) This was the first meeting held in Faneuil Hall since the death of Peter Faneuil. The oration of Master Lovell is recorded in the Town Records, III. 527.

He was one of the committee appointed May 19, 1742, to pray the General Court for relief as to the Town's proportion of the Province Tax. Their report is recorded in the Town Records, III. 523.

At a town meeting held March 25, 1745, there was "A Motion made by Mr. Joseph Marion, that as the Old Brick Church Bell which for many years past has been rung at five and eleven a Clock in the forenoon, and nine in the Evening is now broke, the Town would direct that the old South Church Bell shall be rung at those hours." (*Ibid.*, IV. 56.)

At a town meeting held May 17, 1745, he was one of the committee to audit the Accounts of the Town Treasurer and of the Overseers of the Poor. (*Ibid.*, IV. 78.)

¹ Boston Post Boy & Advertiser, March 24, 1760; Report of the Record Commissioners, XXIX. 78; New England Historical and Genealogical Register, XXXIV. 288; Boston News Letter, March 21, 1760.

But misfortune had before this overtaken him. See Suffolk Deeds, Lib. 77, fol. 176; Lib. 78, fol. 56, 262, 263, 264.

He was buried in the Granary Burial Ground, where his gravestone is still to be seen.

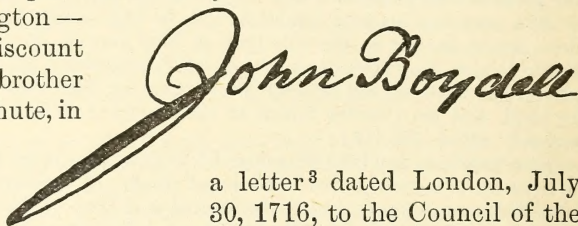
He married in Boston, June 7, 1711, Ellen Bridge, daughter of the Rev. Thomas Bridge,¹ by whom he had several children.

JOHN BOYDELL.

1717-1739.

John Boy dell, son of Edward Boy dell,² came to New England in 1716, as private secretary to Governor Shute.

John Barrington —
afterward Viscount
Barrington — brother
of Governor Shute, in



a letter³ dated London, July
30, 1716, to the Council of the

Province of Massachusetts Bay, says: —

“But I hope I have given you the highest proof of my sincere esteem, and Affection for your Country, in consenting to part with an only Brother, and persuading him to give his Consent to be your Governour; . . . I have likewise parted with Mr. John Boy dell [with Col. Shute], to be his privat Secretary. He has been in my family many years, where he rendred me very faithfull Services, to my utmost Satisfaction. I cannot omit this opportunity of Reco mending him to you, as a person you will find extreamly faithfull and capable in any thing the Governour shall reco mends him to, and you employ him in.”

Judge Sewall,⁴ under date of December 24, 1716, records the fact that he dined that day with Governor Shute-at Mr. Bromfield's: —

“Before I went to Diſer, Mr. J. Maryon told me that upon his petitioning for the Governour's Favour as to the place of Register: His Excellency said, He had promised it to Mr. Boy dell in London. And after Diſer at Mr. Bromfield's; his Excel. took me aside, and told me he intended to make Mr. Boy dell my Register; would do little but settle the Judges this Council, which was like to be but thin.”

¹ History of the First Church in Boston, by A. B. Ellis, p. 163.

² Sewall's Diary, III. 369.

³ Sewall's Letter Book, II. 61.

⁴ Sewall's Diary, III. 114.

And when Judge Sewall waited on the Governor, June 19, 1717, to secure his own reappointment as Judge of Probate, he adds that Governor Shute ¹

“Mention’d Mr. Boydel, for Register; I said if he could condescend, ’twas a Laborious place.”

There is an hiatus in the Council Records of this date, but Boydell began to attest the Probate Records as Register July 8, 1717, and he held the office until his death.

Judge Sewall also records the following: ²—

“Tuesday, Xr. 23, [1718]. Super Court, Fined Capt. Tho. Smart, and Mr. John Boydell, for Duelling on Tuesday, Xr. 16. in the Common near Mr. Sheaf’s House, £10. each; 24. Hours Imprisonment, and order’d them also to find Sureties for their good Behaviour till the Sessions in May. Mr. Sheriff Winslow had them to Prison. Clock struck Four when the Sentence was pass’d.”

In 1722 Boydell made a visit to England,³ returning the following year. During his absence Benjamin Rolfe filled his place as Register of Probate.

Boydell was also Register of the Court of Vice-Admiralty and one of the Naval Officers for the Port of Boston.

He was also in 1736 one of the Prince subscribers.⁴

Governor Belcher in a letter ⁵ dated Boston, April 24, 1732, to ex-Governor Shute, who had returned to England, says: —

“Mr Boydell & his wife are very easy under their present circumstances. I suppose what he enjoys under me makes him 4 to £500 a year, and his grocery shop ⁶ (doubtless) maintains the family. He is a very honest man, & I am glad in his welfare.”

¹ Sewall’s Diary, III. 133.

² *Ibid.*, III. 208.

In a “List of the Well disposed Gentlemen and other Persons that Contributed their assistance for the Building a Gallery, a new Pulpit, and adorning the Kings Chappel in Boston, and the Paving before it in the Year 1718,” appears the name of “John Boydell £ 5” (Annals of King’s Chapel, I. 265.)

³ Sewall’s Diary, III. 310, 311; Sewall’s Letter Book, II. 147, 157; Council Records, VII. 409.

⁴ New England Historical and Genealogical Register, VI. 190; Memorial History of Boston, II. 561.

⁵ Belcher Papers, I. 114.

⁶ The Boston News Letter, June 3, 1731, contains the following advertisement: —

“Mrs. Hannah Boydell, Wife of Mr. John Boydell (Register of Probates for the County of Suffolk) Sells Tea, Sugar, Coffes, Chocolate, Starch, Indigo, Spices, and other Grocery Ware, reasonably, in a Shop adjoyning to the Naval Office, and over against the Bunch of Grapes Tavern in King-street, Boston.”

In a letter¹ to Lord Barrington dated Boston, October 21, 1732, Governor Belcher writes : —

“MY LORD, — Sometime the last month I gain’d your favour of 24 June, wherein I observe your Lordship’s kind acceptance of the assurances I had given your Lordship & M^r Boydill of serving him still further in the Naval Office; and your Lordship will always find my promises grow into performances when in my power, M^r Boydill having had the half of the Naval Office conformable to the time I wrote your Lordship. I am now further to acquaint your Lordship that M^r Marshal, the late postmaster here, dy’d about 14 days ago, upon which M^r Boydill came to me & desir’d I wou’d appoint him his successor ’till orders appear’d from the Commiss^{rs} of the Post Office at home, or from Coll^l Spotswood, of Virginia, Deputy Postmaster General of North America, and that if he might be confirm’d in the Post Office here he wou’d quit his half of the Naval Office, which is worth but ab^t £200, and the other (*viis & modis*) near £400 a year. Upon M^r Marshal’s death I immediately fill’d up the vacancy by M^r Boydill, and wrote the inclos’d in his favour to Coll^l Spotswood; and since that I have rec’d one from Coll^l Spotswood, of which the inclos’d is a copy, and have this day fill’d up the blank in Coll^l Spotswood’s commission with M^r Boydill’s name & deliver’d it to him. Notwithstanding M^r Boydill is apprehensive that several will be endeavouring to get a deputation from the Commissioners of the Post Office at home, or a recommendation from them to M^r Spotswood, that may endanger M^r Boydill’s removal. It’s a pretty place that don’t require much attendance, in which M^r Boydill wou’d be glad to be establisht, and if your Lordship cou’d procure a letter from Gov^r Harrison & M^r Cartwright (the Commiss^{rs}) to M^r Spotswood, approving of what he has done in favour of M^r Boydill, the matter wou’d be compleat. And if you are inclin’d to do good to an old faithfull servant, I don’t know when your Lordship will have an easier or better opportunity; but of this M^r Boydill writes you more particularly. As this office depends cheifly on the trade, I wou’d only add that M^r Boydill is very acceptable to the trading part of this country.”

Governor Belcher in a letter² dated Boston, December 6, 1732, to ex-Governor Shute, says : —

“Since my last I have prevail’d with Coll^l Spotswood to appoint M^r Boydill postmaster here (in the room of M^r Marshall decd), upon which he resigns the half of the Naval Office, — the postmaster’s place being (as he supposes) much better. As I wrote you before his grocery shop full out supports his expence, and his places are

¹ Belcher Papers, I. 209.

² *Ibid.*, I. 221. See also *Ibid.*, I. 231, 370, 456, 512.

Postmaster	400.
Admiralty Register	150.
Probate ditto	150.

is £ 700 a year.

I think his lott is fallen in a pleasant place, and he can't fail of doing well."

Boydell succeeded Marshall not only as postmaster but also as publisher of the "Boston Gazette."¹ He continued to publish the "Gazette" even after he retired from the postmaster-ship in 1734. He was its publisher up to the time of his death. After this, it was printed for the benefit of his family until 1741, when it fell into other hands.

Governor Belcher in a letter² dated November 19, 1739, to Sir Charles Wager speaks of "Mr John Boydill, who is now dangerously ill," and in a letter³ to Peter Warren — afterward Vice-Admiral Sir Peter Warren — dated Boston, December 24, 1739, he says: —

"Poor Boydill, after a strong struggle with a fever, jaundice, &c, dyd the 11 currant, belov'd as much as any man in his life & so lamented in his death."

The Boston Gazette of Monday, December 17, 1739, contains the following obituary notice: —

"On Tuesday last died here in the 49th year of his age, John Boydell, Esq; late Publisher of this Paper, and some time Deputy Post-Master within this and the three neighboring Governments, than whom

¹ Professional and Industrial History of Suffolk County, The Postal Service, by C. W. Ernst, II. 457; Memorial History of Boston, The Press of the Provincial Period, by Delano A. Goddard, II. 392; Transactions of the American Antiquarian Society, History of Printing in America, by Isaiah Thomas, VI. 29, 30, 225.

The Boston News Letter of June 27, 1734, contains the following: —

"From New York, We have Advice, That they were credibly informed, that Mr. *Ellis Huske* will be appointed Post-Master of *Boston*, Mr. *John Boydell* having desired to resign that Place, and Col. *Spotswood* (in whose disposal it is) having promised it to the said Mr. *Huske*, whenever it became vacant."

In the same issue of the News-Letter is this announcement: —

"We are well inform'd that Mr. *Boydell* (Life permitted) will continue to publish his News Paper call'd the *Boston Gazette*, for his Customers both in Town and Country, after he is succeeded as Post-Master of *Boston*."

The Boston Gazette of December 17, 1739, contains the following: —

"This is to acquaint the Publick, That this Paper will be carried on as usual for the Benefit of the Family of the late Publisher Mr. John Boydell, deceased."

² Belcher Papers, II. 494.

³ *Ibid.*, II. 255.

none ever lived in this Province more generally esteem'd and beloved, as an honest worthy man, by Persons of all Ranks, Perswasions and Parties, or was more lamented as such at his Death. He first came over from England into this Country in the year 1716, Secretary to the late worthy Governor *Shute*, and Register of the Court of Vice Admiralty for this Province, New Hampshire and Rhode Island; after which he was appointed Register of the Court of Probate of Wills, &c., for the County of Suffolk, and Naval Officer for the Port of Boston; all which offices he discharged with such singular diligence, integrity and goodness, that this community never lost a more useful and valuable member, than he was in his degree and station."

In his will dated December 9, 1739, probated December 20, 1739, he mentions his wife Hannah, his sons Edward and John, and his daughters Martha and Mary, his "Honour'd Mother" and his "Dear Sister now living in England."¹

¹ In Suffolk Court Files, CCCXLIX. 147, there is a letter dated November 26, 1741, and addressed to J. Yeamans Esq^r. It is unsigned, but was probably written by John Payne. It begins as follows:—

"SIR,

I wrote you p^r Cap^t Watts of the Death of M^rs Boydell since which one M^r Goldthwait at the request of the Gov^r has taken the admⁿiacon of the Estate. he is a very capable & also a very honest Man and believe he will do every thing in his power for the benefit of the Estate.

It is very Surprizing that M^r Boydell (who was a perfect Slave to Mankind in General) should not have one Friend that wou'd undertake the admⁿiacon, but so it is, and it was 3 Weeks after her death before there was an adm^r appointed tho' all his Friends were desired to undertake it.

The Family are now broke up, and the greatest part of y^e Goods disposed of. M^rs Patty is at M^r Middletons who is a relation to M^r Peagram. Polly is with Col. Hatch and Jack is at present at a Boarding School. M^r Bollan promised his Mother to take him and he intends to do it when he is fit. Before the admⁿiacon was Granted I took out all the Letters that pass'd between M^r Boydell & you and also those of your Family & his Letter Book & deliverd them to Miss Patty as thinking 'em not proper to come into the hands of the Admin^r and those Papers that related to your Estate here I delivered to the Gov^r. . . . I beg pardon for Troubling you so long, y^e reason of w^{ch} was I thought you wou'd desire to know the State of M^r Boydells affairs.

Sent p Fones Nov. 26. 1741.

I am Sr

Yo^r humble Serv^t

J. Yeamans Esq^r."

The Boston News Letter of July 26, 1744, contains the following: "We have also Advice from Jamaica of the Death of Capt. Cobbet and Mr. Edward Boydell of this Town."

In the Mass. Archives (V. 481-486), there is a letter dated Boston, March 18, 1746/7, addressed to the Governor-General of Canada concerning the exchange of prisoners of war held by the French. Among those prisoners then in Canada whose exchange was demanded was "John Boydell a Youth of about 19 Years of Age taken in a Vessel coming from Louisbourg by one of the late Duke d'Anville's Squadron."

In one of the inventories of his estate, which was appraised at £2277. 13. 9. there are, among other items, the following:—

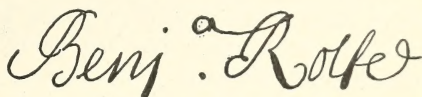
"Negro Philip	£70 "
"Judge Sewalls Picture	15
Judge Byfields D ^o	15
Judge Auchmutys D ^o	15 "

BENJAMIN ROLFE.

1722-3. 1726-8.

Benjamin Rolfe, son of the Rev. Benjamin Rolfe¹ of Haverhill, was born in Haverhill September 2, 1696.

In the Indian attack on Haverhill his father, mother, and youngest sister were killed.



"At the assault on Haverhill, at daybreak, on Sunday, 29 August, 1708, the enemy immediately attacked Rolfe's house. He sprang out of bed, braced himself against the door which they were trying to force open, and unavailingly called for assistance from the soldiers who were in his house. The enemy fired through the door two balls, one of which wounded him in the elbow. According to one statement the ball killed him. But the most probable is, that the Indians pressed against the door so hard, that Rolfe, being wounded and no longer able to resist successfully, fled through the house and out at the back door, and was tomahawked at the well by the Indians who pursued him. One soon sunk the hatchet into his wife's head, and another, taking the youngest child from her dying grasp, dashed its head against a stone near the door. Upon the first alarm, Hagar, the negro slave, jumped from her bed, and took the young girls Mary and Elizabeth into the cellar, placed them under tubs, and concealed herself behind some barrels. The Indians plundered the cellar, repeatedly passed the tubs, even stepping on the foot of one of the children, drank milk from the pans and dashed them on the cellar bottom, and took meat from the barrel behind which Hagar was concealed, without discovering either of them. An intrepid man, named Davis, went behind Rolfe's barn, and with a large club pounded it so violently, at the same time calling on the men by name, and giving orders for an attack, that the party in Rolfe's house became alarmed, and, after attempting to set the house on fire,

¹ Sibley's Harvard Graduates, III. 310; New England Historical and Genealogical Register, II. 353, III. 151, XXXI. 87, XXXVI. 143.

precipitately left. Another female named Anna Whitaker, who then lived in Rolfe's family, concealed herself in an apple chest under a flight of stairs, and was not discovered."¹

Father, mother, and child were buried in one grave. The surviving children, four in number, were placed under the guardianship of their uncles, John and Henry Rolfe of Newbury.²

Benjamin the son was bred a scrivener. The Boston News Letter of August 11, 1718, contains the following advertisement:—

"These are to give Notice, that Mr. *Benjamin Rolfe* who served an Apprenticeship with *Addington Davenport*, Esq; now keeps a Scriveners Office at the New Brick House next to the late Mr. Secretary *Addington's* Deceased near the lower End of the Town House in King's-Street, Boston."

Elisha Cooke, Clerk of the Superior Court of Judicature, having incurred the resentment of the Governor on account of words spoken over a bowl of punch, His Excellency informed the Judges of that Court that "he expected he should be remov'd from his Clark's place." While the matter of Cooke's removal was still pending, Judge Sewall writes in his Diary³ the following:—

"Feb. 18. [1718/9]. After the Council, Mr. Tylve speaks to me for the Clark's office if the place be vacant. Mr. B. Rolfe, and Mr. Treasurer's Son had done it before. Judge Menzies and Mr. Boydell visit me."

And again: ⁴—

"Midweek, Feb. 25. [1718/9]. The Judges met p.m. in the Council-Chamber, before the Meeting of the Council; and after some arguing, Sewall, Lynde, Dudley, Quincey, gave their Opinion, that all things Considered, twas convenient to dismiss Mr. Cooke from being Clark of the Super. Court. Mr. Davenport mention'd his Relation, and voted not, or voted the contrary way.

¹ Sibley's Harvard Graduates, III. 312, 313.

² Essex Probate Records, Nos. 24102, 24104.

³ Sewall's Diary, III. 212.

⁴ *Ibid.*, III. 212.

See also Catalogue of Records and Files in the office of the clerk of the Suffolk Supreme Judicial Court, 75. Benjamin Rolfe sworn February 26, 1718-9. (Records Superior Court of Judicature, [IV.] 1.) Reappointed January 28, 1728-9. (*Ibid.*, [VII.] 185.) Reappointed April, 1735, sworn May 13, 1735 (*Ibid.*, [X.] 193.)

Then, in the Closet, voted it convenient to have Two Clerks. Then I told the Judges, Though they put me upon Nominating, yet would have them previous to it, freely confer about it. I acquainted them that Mr. Benjamin Rolfe, Mr. Samuel Tylie, Mr. Treasurer Allen's Son, had been mentioned to me, and Mr. Jn^r Boydell. Some spake of Mr. John White, if there was but one Clerk. Mr. Davenport said his son was under Age, he would not mention him. Mr. Lynde said he would have mention'd his Son but for the same reason. All inclin'd to the two first save Mr. Lynde; and he came over. I nam'd Mr. Tylie, and he was Unanimously voted, then I named Mr. Rolfe, and he was likewise Unanimously voted.

Feria quinta, Feb. 26. Gave our New Clerks their Oaths, all sign'd it: I drew it up all save the last words about Fees.

All sign'd an order to Mr. Cooke to deliver the books, Files, Seal — He delivered the Seal and asked 20. days for the rest."

Judge Sewall gives this account¹ of the appointment of Benjamin Rolfe to be Register of Probate, during the absence in England of the Register, John Boydell: —

"Oct^r 8. [1722]. Mr. Boydell, told me he intended to go to England in Lethered, and propos'd Mr. Rolfe to supply his place in his absence; which I was surpris'd at; I think I mention'd Mr. Tylie. He had spoken to me, and had serv'd a hard Apprenticeship in the place.

8^r 10th Mr. Boydell prefers a petition to the Gov^r and Council, that Mr. Rolfe might supply his place in his absence. I take this to be a direct breach on the Order used to be observ'd in Nominations. I said, it ought to be a Gen^l Council: Mr. Belcher seconded me. Mr. Davenport pleaded that any Council might do for this. At last an Appointment was made to call a Council. When men's privat self-Interests are to be served, then Methods may be broken in upon; which at other times will be strenuously urged; and by none more than by Mr. Davenport. Gov^r gave a paper to Mr. Davenport to be considered by the Judges. And his Excellency in that maner frequently passes over me. May the Blessed God reach out his Hand to me; and that shall abundantly suffice!"

At a Council² held at the Council Chamber in Boston, Friday, October 19, 1722,

"The General Council for civil Officers being met according to appointment His Excellency was pleased to nominate M^r Benj^t Rolfe to be Reg^{ter} of Wills for y^e county of Suffolk in the room of M^r John Boydwell & during his absence.

To which nomination His Majestys Council advised & consented."

¹ Sewall's Diary, III. 310.

² Council Records, VII. 409.

Judge Sewall¹ thus comments on this appointment:—

"Oct. 19. Mr. Rolfe is made Register. I said I am many times better provided for by others than by myself. I tried before the Council met, and found if I had used my Interest for I——e M——r. it would not have pass'd."

Rolfe performed all the duties of Register of Probate until the return of Boydell, who resumed his attestation of the records with volume twenty-three, which begins September 30, 1723.

At a Council² held in Boston, February 23, 1726, the Lieutenant-Governor nominated

"M^r Benjamin Rolfe to be Register to the Judge of the Probate of Wills & for granting Letters of Administration &c in the County of Suffolk so far as relates to the Administration on the Estate of Thomas Lewis³ dece^d in the room of M^r John Boidel (the standing Register) in case the s^d Judge should see cause to grant Administration on the s^d Estate to the said John Boidel. The s^d Benj^a Rolfe to have y^e Administration Bond in his Custody."

The Council Records⁴ show continual payments made to him for "writing for y^e Publick" and "writing for Gov^t:" from 1720, at least, down almost to the time of his death.

August 14, 1722, he was allowed £4. 5s. "for his service as Clerk to the Commissioners appointed to meet the Indians at Arrowsick in July 1721."⁵

June 28, 1734, he was appointed a Justice of the Peace for the County of Essex.⁶

On his petition in behalf of himself and the other children and heirs of his father, the Rev. Benjamin Rolfe, the General Court, December 23, 1735, granted to them a tract of land "lying on the West side of the Town of Lunenburg," not to exceed six hundred acres.⁷

¹ Sewall's Diary, III. 311.

² Council Records, VIII. 523.

³ Thomas Lewis was Postmaster of Boston. When administration on his estate was granted to John Boydell, a creditor, and therefore an interested party, the appointment of a special "Register in y^e affair" became necessary.

⁴ Council Records, VII., VIII., IX., X.

⁵ *Ibid.*, VII. 390.

⁶ *Ibid.*, IX. 520.

⁷ General Court Records, XVI. 242^a.

By deed dated September 18, 1750, recorded with Worcester Deeds, Liber 32, folio 84, Benjamin Rolfe of Boston, gentleman, one of the children of Benjamin

December 23, 1737, a warrant was ordered to be issued¹ to pay Benjamin Rolfe "Register of the Special Court of Admiralty for trying Pirates, of the Charge of the Trial of John Barns," £66.19 to be by him paid to the persons to whom it was due.

He was elected by the General Court² June 28, 1727, one of the two Notaries Public for the Port of Boston, and was annually re-elected to that office until the year of his death.

The November Term, 1738, of the Superior Court of Judicature was held at Salem,³ and Benjamin Rolfe was there in the performance of his duties, when he was overtaken by death in the manner described in the following notice from the Boston News Letter of Friday, November 24, 1738:—

"We hear from Salem, That last Tuesday Night Mr. *Benjamin Rolfe*, of this Town, one of the Clerks of the Superiour Court of Judicature, having eat his Supper, went to Bed as well in Health, to all Appearance, as he had been for a long Time, but was the next Morning found Dead in his Bed."⁴

He married in Boston, March 1, 1719/20, Elizabeth Garland, by whom he had several children.

Rolfe late of Boston, gentleman, deceased, who was the eldest son of the Rev. Benjamin Rolfe, late of Haverhill, clerk, deceased, conveys to John Greenwood of Boston, painter, all his interest in the said tract of six hundred acres.

¹ Council Records, X. 164.

² General Court Records, XIII. 374.

³ Records of the Superior Court of Judicature, XII. 1.

⁴ The Boston News Letter of February 15, 1739, says:—

"Mr. *John Walley*, jun. of this Town, is appointed one of the Clerks of the Superiour Court of Judicature, Court of Assize, &c. in this Province, in the Room of Mr. *Benjamin Rolfe*, lately deceased."

The Boston News Letter of March 30, 1739, contains the following advertisement:—

"ALL *Scriveners Business* done by Daniel Marsh, at his House opposite to the *Governours*, agreeable to the Rules of the late Mr. Benjamin Rolfe, deceas'd."

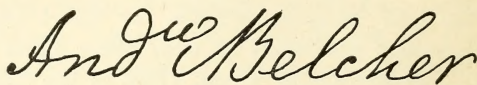
The advertisement of Benjamin Pollard, Notary Public, in the Boston News Letter of March 20, 1740, adds:—

"The said Pollard has employ'd William Morto, Clerk of that late accurate Conveyancer Mr. Rolfe, and with his Assistance will give constant Attendance and Dispatch to the aforesaid Business."

ANDREW BELCHER.

1739-1754.

Andrew Belcher, eldest son of Governor Belcher,¹ was born in Boston November 7, 1706, and was graduated at Harvard College in the class of 1724.



When his father sailed for London in 1729, as agent of the Province of Massachusetts and Colony of Connecticut, the son went with him.² It was while in England upon this mission that his father received the appointment of Governor of Massachusetts and New Hampshire, his commission bearing date January 8, 1729-30. He landed in Boston on his return August 10, 1730.

Governor Belcher's second son, Jonathan Belcher, Jr., who was graduated at Harvard College in the class of 1728, entered upon the study of the law at the Middle Temple, London. It was the Governor's desire that his eldest son also should be bred to the law, but the latter had apparently little taste or aptitude for a professional life, and in a letter³ dated July 18, 1733, to Lord Townshend, the father writes: —

"After all my own inclinations, my Lord, I have been in a great measure oblig'd to conform 'em to those of my children, where it respected their future employment in life. I wou'd feign have had my eldest son gone to the Temple, but he wou'dn't, and chose to be a man in trade."

¹ New England Historical and Genealogical Register, XXVII. 239; XXXI. 57; IV. 345.

² The Boston News Letter of March 13, 1729, contains the following: "On Monday last the 10th Currant, early, sailed Capt. Fones for London, in whom went the Hon. Jonathan Belcher, Esq; and his Eldest Son."

³ Belcher Papers, I. 508.

Governor Belcher writes to Francis Harrison, under date of Nov. 15, 1731: —

"I am now become a perfect stranger to all trade & commerce, and my son who succeeded me therein has no concern in shipping." (*Ibid.*, I. 455.)

In a letter to — Davy, dated Boston, July 13, 1733, Governor Belcher recommends Messrs. Foye, Belcher & Lyde as a good house for him to correspond with. "The first of the house was in business with my father & self for about 30 years, and is perfectly knowing in all the trade of this country, and it's 9 years that my son has been in business, being about 27 years of age, and Mr Lyde marry'd my only daughter." (*Ibid.*, I. 507.)

In a letter¹ to George Bellamy, dated Boston, October 21, 1732, Governor Belcher, mentioning the death of Henry Marshall, the Postmaster of Boston, and publisher of the Boston Gazette, who had recently died, leaving no heirs in this country, says : —

“As my son Andrew is a merch^t I shou’d esteem it a favour that they wou’d order the administrator to pay the money here into his hands to be remitted them in such manner as they may direct. He is as capable of it as any body else, and the commission may be some small perquisite to him.”

Governor Belcher, in a letter² dated Boston, April 30, 1733, writes to his brother-in-law, Richard Partridge, who was then in London, in reply probably to the latter’s suggestion of a government appointment for Andrew Belcher : —

“If And^r will be diligent & mind his business, his compting house will be much more profitable than any paltry office in this government; and why can’t he live by business as I have done before him? I desire none of my children to work harder or take more pains to get into the world than I have done.”

Governor Belcher in another letter³ to Richard Partridge, dated Boston, May 28, 1733, says : —

“My son Andrew sends his brother⁴ p Crocker a cage with 5 flying squirrels, the dam & 4 young ones, the latter are very tame. I wou’d have Jonathan contrive to be introduc’d to the Princess Royal, and present them to her. I know they are a curiosity in England.”

In a letter⁵ dated Boston, January 7, 1734/5, to Lord Townshend, whose son, the Hon. George Townshend, was then in Boston, Governor Belcher refers to the latter as

“the Hon^{ble} M^r Townshend, who is so good as to make my house his home, and my eldest son (of 28 years of age) is his bedfellow and constant companion, and is highly pleas’d & honour’d therewith.”

¹ Belcher Papers, I. 208.

² *Ibid.*, I. 275. Andrew Belcher seems to have made one or more journeys to Connecticut in 1732-4, to look after his father’s property there. The Belcher Papers contain numerous letters from the father to the son, embodying the instructions for his visit, and from the father to Governor Talcott of Connecticut and others, introducing the son. *Ibid.*, I. 487, 488, 501, 502; II. 475. See also Collections of the Connecticut Historical Society, IV. 115, 282, 307, 312.

³ Belcher Papers, I. 299.

⁴ Jonathan Belcher, Jr., was then in London.

⁵ Belcher Papers, II. 184; see also *Ibid.*, I. 421.

Governor Belcher, in a letter¹ dated Boston, October 4, 1733, to Richard Partridge in London, refers to Benjamin Pemberton's

"bringing the King's order to rend from me the Naval Office, the one half whereof I gave my son Lyde² towards the support of his family, and intended the other half for my son Andrew (the whole office being worth about £550 this money)."

The order to the Governor to make Pemberton Clerk of the Naval Office was resented as being an encroachment on the rights and privileges of the Governor, that office having been always considered "an inseperable perquisite of his commission."

"However, I have obey'd the King's order, and given him a commission, tho' I have turn'd my children out of so much bread."

He asks Partridge to ascertain

"whether it may not be practicable to regain this office to my family, — I mean to get the King's patent either for my son Andrew or Lyde. . . . I wou'd realy leave no stone unturn'd to get it again, not only for the proffitt, but for my own honour."

Governor Belcher, in a letter³ dated Boston, October 4, 1733, writes to the Duke of Newcastle: —

"I have, my Lord Duke, reëd. his Majesty's commands for appointing M^r Pemberton Clerk of the Naval Office of this Province, which I wou'd humbly observe to your Grace is the first instance of the kind here, and seems to militate with the act of 7 & 8 of K. W. 3^d, where the Gov^r is made intirely accountable for that office, and is one of the best perquisites of this governm^t, all which his Majesty in his royal commission to me sayes, I shall hold & enjoy; yet the sight of his Majesty's order in that behalf commanded my ready obedience, and I have in compliance therewith turn'd my son out of the office, to whom I had given it to help support his family, and have put M^r Pemberton into possession thereof. How hard this is upon me, your Grace in your great goodness will please to consider, that while I have been constantly attacht to his Majesty's interest & honour in a strict adherence to all his royal instructions, and for that reason only have been kept out of my just support by the people, with great submission to your

¹ Belcher Papers, I. 376.

² Byfield Lyde and Sarah Belcher, daughter of Governor Belcher, were married August 17, 1727.

³ Belcher Papers, I. 385; see also *Ibid.*, I. 413.

Grace, to have the best perquisite of my government taken from me, I believe your Grace must think severe & discouraging to a good servant. I humbly pray your Grace wou'd so consider it, as that in a convenient time I may restore my son to the place, which will oblige me & my son to pray for your lasting health & happiness."

In a letter¹ dated Boston March 3, 1734/5, to his son Jonathan Belcher, Jr, in London, Governor Belcher says:—

"If any thing can be done about the Naval Office, and it be not finisht before this comes to hand, I shou'd rather it shou'd be given to your brō And^r than to your brō Lyde, because I have lately well provided for the latter by making him sole Clerk of the Inferiour Court, which is worth near £1000 a year."

Governor Belcher, in a letter² dated Boston, November 19, 1739, to Sir Charles Wager,³ asks that Andrew Belcher may be appointed

"Register of the Court of Vice Admiralty in New England in case of the death of M^r John Boydill, who is now dangerously ill."

The following is the letter⁴ of Governor Belcher, dated Boston, December 13, 1739, to Sir Charles Wager:—

"HON^{BLE} SIR, — The 29 last month I askt your favour for my son M^r Andrew Belcher to be Register of the Court of Admiralty here in case of a vacancy, since which M^r John Boydill, the late Register, dy'd (the 10th [*sic*] ins^t, in the morning), & I have this day appointed my son to be Register of the said Court, & pray he may have a commission from your board for that place in the usual form, which I shall esteem as a fresh obligation laid on, S^r,

Your Honour's most faithfull & most obedient servant.

J. B.

Boston, Dec^r 13, 1739."

¹ Belcher Papers, II. 191.

The Boston News Letter of August 27, 1741, has this announcement: "His Excellency has been pleased to appoint *William Shirley*, junr Esq; to be Naval Officer for the Province of the *Massachusetts-Bay*. *This is to give Notice, that the Naval Office is now kept at the Office of Andrew Belcher, Esq; at Mr. Holmes's House in Kingstreet.*"

² Belcher Papers, II. 494.

³ Sir Charles Wager was then First Lord of the Admiralty.

⁴ Belcher Papers, II. 253. The Boston News Letter of Thursday, December 20, 1739, contains the following:—

"On Thursday last his Excellency the Governour was pleased to appoint *Andrew Belcher*, Esq; to be Register of the Admiralty of the Provinces and Colonies of the *Massachusetts-Bay*, *New Hampshire*, Colony of *Rhode Island*, and *Providence Plantations*, and the *Narraganset Country* or *King's Province* in *New England*, in the Room of *John Boydell*, Esq; deceased."

In a letter¹ dated Boston May 7, 1740, to Richard Partridge, Governor Belcher says : —

“ I must pray you to procure from Sir Charles a warrant for your cousin And^w to be Register of the Court of Admiralty. It would be a great dishonour to me & to him to have him put out after my putting him in, & I can't beleive S^r C. would make any stick about it, if you went to him at a proper juncture.”

Governor Belcher writes to Jonathan Belcher, Jr., in a letter² dated Boston, May 19, 1740 : —

“ The Register of Admiralty being but a trifling place it will the more dishonour me to have your brother put out after I have put him in. You must therefore with Coram plye S^r Charles close for a warrant.”

And again, June 5, 1740, in a letter³ to Richard Partridge,

“ I would pray you not to fail sending me a Warr^t for your Nephew Andrew being Register of Admiralty.”

In another letter⁴ dated Boston, July 25, 1740, to Richard Partridge, Governor Belcher says : —

“ I must pray you, brō, to get out & send me a warr^t from the Admiralty for Andrew's being Register. I know severall people have wrote for it, & I am afraid by the delay he may lose it, which would be a great trouble to him & a dishonour to me.”

In a letter⁵ dated July 28, 1740, to Sir Charles Wager, Governor Belcher thanks him for his intercession with the Duke of Newcastle, and desires a warrant for Andrew Belcher to be Register of the Court of Admiralty.

Governor Belcher writes to Richard Partridge in a letter⁶ dated Boston, August 25, 1740 : —

“ I am very thankfull for your care in sending my son Andrew's patent for being Register of Admiralty, which I am expecting to receive p Snelling.”

¹ Belcher Papers, II. 289.

² *Ibid.*, II. 300.

³ *Ibid.*, II. 508; Belcher's Letter Book, IV. 379.

⁴ Belcher Papers, II. 319.

⁵ *Ibid.*, II. 513.

⁶ *Ibid.*, II. 323. The Boston News Letter of October 30, 1740, announces : “ Andrew Belcher, Esq; having received by Capt. Snelling His Majesty's Commission for Register of the Courts of Vice-Admiralty in His Majesty's Provinces and Colonies of *Massachusetts-Bay, New Hampshire and Rhode Island, Providence Plantations, Narraganset Countrey or King's Province in New England*, was last Saturday sworn into the said Office before His Excellency the Governour.”

In another letter¹ to Richard Partridge, dated October 25, 1740, he says : —

“I again thank you, for my Son Andrews Commission, as Register of Admiralty, which is Come well to hand p Snelling.”

In a letter² dated Boston, August 25, 1740, to Jonathan Belcher, Jr., Governor Belcher, after rebuking him for his extravagance, continues : —

“You mention the situations of your brother And^m & your brother Lyde. Andrew lives with me. I give him his dyet & lodging, & he has not besides for many years past, say *communibus annis*, spent sixty pounds sterling a year, so good a husband is he, & so much he knows the value of money. . . . Pray compare these things with your expence. Your brothers have at present the offices I have given them, but in case of my supersedeas, my successour will have favourites (as well as other governours), & your brothers then perhaps stript of all . . . Your brother is greatly oblig'd to you for the kind sollicitation of his Admiralty patent, but he is an indolent creature, & I know not whether he'll ever write you a letter. . . . I had forgot to say that all the places held by your two brothers here are not worth two hundred & sixty pounds sterling a year. Such are their poor settlements and mean subsistences.”

In a letter³ dated Boston, May 7, 1741, to Richard Partridge, Governor Belcher again speaks of the great extravagance of his younger son, Jonathan Belcher, Jr., who was then living in England at “the rate of £530 sterling a year, or upwards £2900 this money,” and adds : —

“His brother is at lodgings in town, keeps his horse and footman, and does not spend £70 sterl^{ls} a year.”

Governor Belcher's apprehensions concerning the future proved to be only too well founded. His unscrupulous enemies resorted even to forged and anonymous letters to secure his removal, and he was superseded in 1741 by Governor Shirley.

¹ Belcher Papers, II. 521; Belcher's Letter Book, V. 25.

² Belcher Papers, II. 325; see also *Ibid.*, II. 542. Governor Belcher, in a letter dated March 9, 1740/1 (*Ibid.*, II. 534) to Sir Robert Walpole, solicits the appointment of Andrew Belcher as Collector of Boston to succeed Mr. Jekyll, who died March 1. He writes also on the same day to Sir Charles Wager and Richard Partridge on the subject. “The place is worth £500 sterl^g a year.”

³ *Ibid.*, II. 383.

Smarting under a sense of wrong and injustice, disheartened and chagrined, he retired to his country-seat at Milton.¹

Andrew Belcher was not long allowed to hold the office of Register of the Court of Vice-Admiralty.

The following is a letter² dated Milton, March 18, 1741/2, from Governor Belcher to his son Andrew : —

“ MR. BELCHER, — I think I can appeal to Him whom I adore while I say I have as a good parent done my duty to you, your brother & sister for establishing you in the world. The shadows of the evening are now stretcht out upon me, my hitherto good constitution begins to fail, that I cannot rise & shake myself as in dayes past, so you must stand upon your own legs, be up, & doing. When I saw you last, you may remember, I told you to write a handsome letter to Sir Cha. Wager, another to M^r Wilks, & another to your uncle, & then to bring them to me, & I would write in conformity, & send all forward, but that if you would not rouse from your hug’d indolence & deadly lethargy, nor take one step towards your own security in the office of Register of Admiralty, I would give myself no further concern about it. This is now six weeks ago, & altho’ I live within an hour & half’s ride of you yet I have not heard a syllable from you since, so am wholly ignorant whether you have acted in any shape or manner on this head, in which & all others, I wish you well, & am Your affec. father,

J. B.

MILTON, March 18, 1741/2.”

Governor Belcher, in a letter³ to Richard Partridge dated October 23, 1742 : —

Hears that Auchmuty is endeavoring to secure for his own son the office of Register of the Court of Admiralty now held by Andrew Bel-

¹ “ I am got to my little cottage at Milton, where I desire my life may be hid with Christ in God, and there I shall endeavour to spend the little remainder of my dayes as silently as I can.” (Jonathan Belcher to Jonathan Belcher, Jr., December 1, 1741, Belcher Papers, II. 418.)

After remaining some time in Boston and Milton, he went to England, vindicated himself from the aspersions of his enemies, and was restored to favour. He was appointed, July, 1746, Governor of New Jersey, and died in Elizabethtown, New Jersey, August 31, 1757. He married his second wife, Mary Louisa Emilia Teale, September 9, 1748, in Burlington, New Jersey.

² Belcher Papers, II. 420. Notwithstanding the rebukes he so frequently administered to his son Andrew, Governor Belcher, in a letter dated September 20, 1742 (*Ibid.*, II. 557) to Richard Waldron about Andrew Belcher and Waldron’s going to England with Colonel Vassall, says : “ A father, I own, is easily blinded in favour of a son, but if I am not, I think he [Andrew Belcher] is a cautious, sedate, prudent young gent^m, & his conversation agreeable; I wish his sire had had the power of begetting in him more vivacity & fire.”

³ *Ibid.*, II. 557.

cher, and desires Mr. Partridge "to do all in your power to prevent so great a misfortune."

But all Governor Belcher's efforts were of no avail, as is shown by the following letter¹ to his son Andrew. It is dated Milton, April 20, 1743.

" . . . I am much concern'd for the loss of your place in the Admiralty Court. I think I can truly say, more than I was upon hearing of my own *supersedeas*. I pray God to support you under it, & by this dark providence teach you the uncertainty & mutability of all human affairs; & may God carry up your thoughts on this occasion to Himself, and show you that there can be no true happiness or satisfaction short of a fixed, saving interest in the favour & mercy of God, through Jesus Christ, His blessed Son, the only Saviour of poor lost man. If this melancholy scene lead you into a realizing sense of these things, it will prove the happiest article of your life. God, of his infinite mercy in Jesus Christ, so make it. Amen. Your other small place will be some help, and we must be thinking how to improve the little stock you have in the best manner. I shall always stand ready to do every thing in my power to assist & comfort you, for I am, dear Andrew,

Your very affectionate father,

J. B.

MILTON, April 20th 1743."

In a letter² dated Milton, May 3, 1743, to Richard Partridge, Governor Belcher says: —

"I am much concern'd for my son A.B.'s loss of his place in the Admiralty Court, it being his main support, and this, I am told, was done a month before you knew any thing of the matter. I shall be glad you & his other friends may be able to get him restor'd tho' I tell him he must hardly maintain a hope of it, for I can't see it consistent with the honour of the Crown, or with that of its officers, to thrust persons out & suddenly to restore them. Yet I shall take it very kindly if you'll endeavour to serve him in this or in any other way."

In a letter³ dated May 10, 1743, to Colonel John Vassall, Governor Belcher desires him to try to get Andrew Belcher restored to the office of Register of the Court of Admiralty.

The "other small place" which still remained to Andrew Belcher was the office of Register of Probate.

¹ Belcher Papers, II. 448.

² *Ibid.*, II. 451.

³ *Ibid.*, II. 560.

"At a Council¹ held at y^e Counc^l Chamb^r in Boston on Fryday Dec^r 21 1739," His Excellency the Governor [Jonathan Belcher] was pleased to nominate . . .

"Andrew Belcher Esq^r to be Register of Wills &c for the County of Suffolk in the room of John Boydel Esq^r dec^d."

And Governor Shirley, on his accession to the Governorship, reappointed² him, November 5, 1741.

At a Council³ held July 14, 1749, His Excellency nominated

"M^r John Payne to be Register of Wills &c for the County of Suffolk, during the Absence of Andrew Belcher Esq^r (the standing Register out of the Province."

At a Council⁴ held in Boston January 25, 1754, His Excellency nominated

"M^r John Shirley to be Register of Wills &c^a in the County of Suffolk, in the room of Andrew Belcher, Esq^r."

This ended Andrew Belcher's connection with the Probate Office.

But the efforts made in his behalf to secure his restoration to the office of Register of the Court of Vice-Admiralty were successful. His second commission⁵ as Register of that Court, from the Lords of the Admiralty, bears date July 22, 1743. He held this office at the time of his death.

He was one of the Prince subscribers⁶ in 1736, and a Justice of the Peace⁷ in 1738.

¹ Council Records, X. 339. The Boston News Letter of Thursday, December 27, 1739, announces that on Friday last his Excellency the Governor, among other appointments, made the following: "*Andrew Belcher* Esq; to be Register of the Court of Probate for the County of *Suffolk*."

² Council Records, X. 552.

³ *Ibid.*, XII. 111.

⁴ *Ibid.*, XII. 321.

⁵ Mass. Archives, XLIII. 634.

The Boston News Letter of October 10, 1765, contains the following: "The PUBLIC are hereby informed, that the Honorable ANDREW BELCHER, Esq; Register of the Court of Vice-Admiralty for the Province of the *Massachusetts Bay*, has appointed Mr EZEKIEL PRICE to be his Deputy in the Room of WILLIAM STORY, Esq; and that the Business relative to said Court will be attended at Mr. PRICE's Office, the South Side of the Court-House."

⁶ Memorial History of Boston, II. 561; New England Historical and Genealogical Register, VI. 190, XIX. 206.

⁷ Council Records, X. 196; Boston News Letter, March 16, 1738.

In deeds and other instruments he is described as of Boston, until after his marriage¹ in 1754, when he removed to Milton.

He represented Milton in the General Court from 1759 to 1764, and he was a member² of the Council in 1764, 1765, 1766, and 1767.

Governor Hutchinson, August 14, 1770, writes :³ —

“Mr Belcher the Register of the Court of Vice Admiralty is in a desperate state of health and his Physicians think cannot continue many weeks.”

Plans were even then laid to provide him with a successor.

The Boston News Letter of January 31, 1771, contained the following obituary notice : —

“On Thursday the 24th Instant died at his Seat in Milton, the Hon. ANDREW BELCHER, Esq; in the 65th Year of his Age: He was eldest Son of the late Governor Belcher, and for some Years a member of his Majesty's Council for this Province. — His Remains were decently interred in this Town, last Monday in the Afternoon.”

¹ Governor Belcher, in a letter to Andrew Oliver (Letter Book, VIII. 339) dated Elizabethtown, New Jersey, April 5, 1754, writes: “I am now with Pleasure to advise you that my Sons Marriage with my Wife's very good Daughter was consummated yesterday in the evning about 8: Clock and I think to the good Satisfaction of all concern'd therein and I pray God that they may be long Happy living together as Heirs of the Grace of Life Amen.”

In another letter to Andrew Oliver (Letter Book, VIII. 364) dated Elizabethtown, New Jersey, May 3, 1754, Governor Belcher thanks him for his “Congratulation upon the late double Alliance between myself and my Wife and in which I hope by the Favour of God my Son and Daughter may be long happy I believe they cant readily fix the Day of beginning their Journey homeward but which I suppose will be some time this Month I am full with them in their Prudent Resolution of going directly to their own House at Milton.”

In a letter to John Foye (Letter Book, VIII. 407) dated Elizabethtown, New Jersey, June 13, 1754, Governor Belcher thus refers to his son Andrew: “He & his Wife took leave of us last Fryday & I hope are now well forward in their Journey I pray God send them in Safety to Milton.”

Governor Belcher, in a letter to Andrew Belcher (Letter Book, VIII. 426) dated Elizabethtown, New Jersey, July 12, 1754, mentions the receipt of a letter from the son, written at New Haven, and adds: “I am now to own the due Reciept of your good Letter of the 20; of the last Month & we all praise God that you are got in Health & Safety to y; desired Milton.”

And in another letter to Andrew Belcher (Letter Book, VIII. 451) dated August 16, 1754, Governor Belcher asks for an account of rents: “That of Milton to 4: of April last (when it became yours). And those of Boston to 20: of June when you arriv'd at Milton.”

² In 1764, while a member of the House of Representatives, he was chosen to the Council in place of Timothy Ruggles, who had been elected, but had declined to serve. (Journal of the House of Representatives, 1764, pp. 65, 68-70.)

³ Mass. Archives, XXVI. 535.

He died intestate and without issue, and his widow Elizabeth Belcher was appointed administratrix of his estate, which was appraised at £1062:16:4.

In the inventory there are, among other items, the following:—

	£	s.	d.
" 4 family Seals with handles		12	"
" House in Boston Tenented by Christ Prince &c	600	0	0.
200 acres land in freetown	133	6	8.
500 acres in Belcher Town	125	—	—"

He married in Elizabeth, New Jersey, April 4, 1754, Elizabeth Teale,¹ a daughter of Mary Louisa Emilia Teale, the second wife of his father, Governor Belcher.

¹ Their marriage contract, dated March 27, 1754, was recorded July 23, 1754, with Suffolk Deeds, Lib. 85, fol. 200.

After the death of Andrew Belcher, Elizabeth Belcher, his widow, and her mother, Mary Louisa Emilia Belcher, the widow of Governor Belcher, continued to reside on the Belcher estate in Milton. On the 27th of January, 1776, the Belcher house was destroyed by fire. It was afterward rebuilt. (Eliot's Biographical Dictionary, 57 note; Teele's History of Milton, 111, 113.)

Samuel Curwen (Harvard College, 1735), the Loyalist, to whose Journal, kept when he was an exile in England, reference has already been made, gives much information concerning his fellow refugees. At Dover, under date of July 3, 1775, he writes:—

"At the Coffee-house met James Teal, a son of the widow of the late Gov. Belcher, of Massachusetts, by her first husband. He wished to convey intelligence of his residence here to his mother in New England; his letters have miscarried for some time past."

The will of Mary Louisa Emilia Belcher, of Milton, widow of Governor Belcher, dated February 22, 1770, was probated April 27, 1782.

By deed dated May 15, 1781, recorded with Suffolk Deeds, Lib. 132, fol. 216, Elizabeth Belcher, widow, conveyed to John Rowe, of Boston, merchant, a farm with woodland and marshes lying in seven tracts, partly in Milton, partly in Dorchester, and partly in Braintree, all formerly of Jonathan Belcher, late Governor, one of said tracts being "the homestead farm on which I the said Elizabeth now live and on which his excellencies seat formerly stood and which contains by estimation two hundred Acres," situated partly in Braintree and partly in Milton.

In the Massachusetts Archives (CCXXXVII. 319) is the following petition of Elizabeth Belcher, the widow of Andrew Belcher:—

"To the honorable senate and house of representatives of the commonwealth of Massachusetts in general court assembled

Elizabeth Belcher respectfully shews that she is a native of England and that there are all her natural connections and the principal part of her property and resources for subsistence which are irresistible inducements to her to remove to that country and a convenient opportunity now presenting by which she can in a cartel with small expence and great safety at this time transport herself and effects to New York and from thence immediately for England she therefore at this time intreats the permission of the court that she may depart this common-

JOHN PAYNE.

1749, 1754, 1755-1759.

John Payne, son of William Payne, was born in Boston, February 9, 1712. His brother, Edward Payne, in his account¹ of the family thus speaks of him : —

“ My brother John Payne lived two years as an apprentice to Mr. Jona. Sewall, viz., till his Decease ; then he wrote in the Register’s Office with Mr. Boydell, till his Decease, being 1740 ; after which he continued in said Office under Mr. Jona. Belcher, while he held said office, being ; then under Mr. Auchmuty while he held the said Office, being . Then under Mr. Belcher again, in which Place he continues at this day.”

John Payne

At a Council² held in Boston July 14, 1749, the Governor nominated

“ Mr John Payne to be Register of Wills &c. for the County of Suffolk, during the Absence of Andrew Belcher Esq^r (the standing Register out of the Province. To which Nomination the Council Advised & Consented.”

wealth in manner as aforesaid and take with her one female servant and personal appendages and your petitioner as in duty bound will ever pray

ELIZ^A BELCHER ”

This petition was granted and the General Court, September 26, 1782, passed the following Resolve : —

“ On the petition of Elizabeth Belcher,

Resolved, That said *Elizabeth Belcher* be and she hereby is permitted to go to *New York*, in any cartel bound from this Commonwealth to that place, for reasons set forth in her petition, not to return again without leave first obtained from the legislature of this Commonwealth, and also to take with her a servant girl and their personal appendages, and such effects only as may be necessary for their suitable accommodation on their passage to *England* ; and the Commissary of Prisoners is hereby directed carefully to inspect her and her effects, and to take especial care that no letters of intelligence be conveyed to the enemies of the United States by means hereof.” (Chapter 15 of the Laws and Resolves of Massachusetts, 1782-3 September Session.)

Letters of administration on the estate of Elizabeth Belcher, late of Milton, deceased, widow of Andrew Belcher, late of said Milton, deceased, were granted February 11, 1794, to Edward Hutchinson Robbins, of Milton. The citation bears date May 9, 1792.

¹ Genealogy of the Payne and Gore Families, Publications of the Prince Society, 18 ; 1 Proc. Mass. Hist. Soc., XIII. 405 ; Memorial History of Boston, II. 549 ; New England Historical and Genealogical Register, XLII. 256.

² Council Records, XII. 111.

At a Council¹ held in Boston September 20, 1754,

"His Excellency also nominated M^r John Payne to be Register of Wills &c^a, for the County of Suffolk, in the Room of John Shirley Esq^r for the Space of three Months from this Time, or untill the Return of the said John Shirley in Case it be before three Months be expired."

At a Council² held in Boston, January 11, 1755, the Governor made the following nomination: —

"M^r John Payne to be Register of Wills &c^a for the County of Suffolk in the Room of John Shirley Esq^r for the Term of two Months, Provided the said John Shirley be absent so long."

The Council consented to these nominations.

At a Council³ held in Boston March 28, 1755, the Governor announced the resignation of John Shirley as Register of Wills, etc., and then nominated

"M^r John Payne & M^r John Cotton to be Joint Registers of Wills &c^a within the County of Suffolk,"

and the Council consented.

The General Court⁴ in 1754 passed an "Act to enable John Payne of Boston, gentleman, to attest certain records in the Probate Office of the County of Suffolk," reciting that

"WHEREAS the records in the probate office of the county of Suffolk, from the seventeenth day of February, one thousand seven hundred and forty three, until the first day of February, one thousand seven hundred and fifty-four, have not been attested by the register of probates for said county; *and whereas* John Payne of Boston, gentleman, for and during the whole term aforesaid, has acted as a clerk in said office, and all original papers registred in the books of said office have, by the said Payne, been compared with the registry or records, before such papers were delivered out of said office," —

said Payne was authorized and empowered to attest the records during the term aforesaid.

He was Deputy Register of the Court of Vice-Admiralty⁵

¹ Council Records, XII. 357.

² *Ibid.*, XII. 378.

³ *Ibid.*, XII. 394.

⁴ Province Laws, III. 750; Mass. Archives, XIX. 152.

⁵ Boston News Letter, December 11, 1740 *et seq.*

In Mass. Archives, XLIII. 634, there is a commission dated January 10, 1753, of "Andrew Belcher Esquire Register of the Court of Vice-Admiralty in his

for many years — as early at least as 1740 — and so continued, with perhaps some brief intermissions, up to the day of his death. At one time he had charge of the Naval Office.¹

He was a Prince subscriber² in 1736.

The Boston Evening Post of Monday, November 19, 1759, contains the following obituary notice: —

“Last Saturday Morning died here after a short and violent Illness, Mr. JOHN PAYNE, a Gentlaman of known Abilities in the several Offices he sustained, and remarkable for his unsullied Integrity: He was a Father as well as a Son to his aged Mother, and not only a Brother, but a Guardian to his Sisters. His Death is as justly as it is universally lamented.”

In his will, dated March 25, 1752, probated November 23, 1759, he gives all his estate to his “Hon^d Mother Margaret Payne of Boston afores^d Widow,” making her sole executrix. This will, although not signed by the testator, was allowed by the Judge of Probate, so far as respected personal estate.

The inventory shows personal property amounting to £1198. 12. 9, and real estate consisting of one ninth of a house in Cornhill, appraised at £26. 13. 4.

The executrix's account mentions

“paid And. Belcher Esq^r for moneys Lodg'd in the hands of the Deceased as Dep^y Register of the Court of Admiralty. £1290. 19. 6.”

Majesty's Provinces & Colonies of the Massachusetts Bay, New Hampshire, Rhode Island &c^a in America” appointing John Payne of Boston gentleman “my Sufficient and Lawfull Deputy for the Province of the Massachusetts Bay aforesaid and Maritime Parts of the same in the Room and stead of William Story my former Deputy for the Province aforesaid whom by these Presents I Supersede.”

¹ In Suffolk Court Files CCCCXVI. 27-29, there are several depositions concerning a personal encounter February 23, 1749/50, of John Payne with “Benjamin Pemberton of Boston aforesaid Esq^r & Naval Officer of Our Province of the Massachusetts Bay” in consequence of remarks made by Pemberton concerning the fees paid for “a Pass Captain [Solomon] Davis had Lately had from his Honour Liev^t Governour Phips; for his Brigantine to Pass the Castle on Sunday.” Payne “within the Courthouse in Boston aforesaid with force & Arms a Violent Assault on y^e Body of the said Benjamin committed Struck him Diverse Greivous blows on his face and other Parts of his Body.” See also CCCCXI. 32, CCCCIIV. 55, and CCCCXIX. 65.

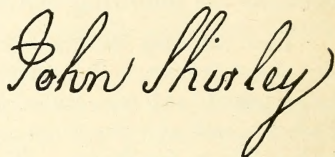
² Memorial History of Boston, II. 562; New England Historical and Genealogical Register, VI. 196.

JOHN SHIRLEY.

1754, 1755.

John Shirley was a son of Governor Shirley.¹

At a Council² held in Boston
January 25, 1754, His Excel-
lency was pleased to nominate



"Mr John Shirley to be Register
of Wills &c^a in the County of Suff-
olk, in the room of Andrew Belcher Esq^r."

to which nomination the Council advised and consented.

At a Council³ held September 20, 1754, John Payne was
appointed Register

"in the Room of John Shirley Esq^r for the Space of three Months
from this Time, or untill the Return of the said John Shirley in Case it
be before three Months be expired."

Payne was again appointed Register January 11, 1755,

"for the Term of two Months, Provided the said John Shirley be
absent so long."⁴

At a Council⁵ held March 28, 1755,

"His Excellency intimated to the Council that John Shirley
Esq^r had resigned his Office of Register of Wills for the County of
Suffolk; And then nominated "

John Payne and John Cotton in his stead.

¹ William Shirley, afterward Governor Shirley, arrived in Boston October 27, 1731. "Mr Shirley arriv'd here 27 in the eveng, and made me a short visit, and din'd with me yesterday . . . I shall heartily recommend him (as a pleader) to the Courts of the several counties in this and the neighbouring Province, and to the Superiour Judges in their Circuits." (Governor Belcher's letter October 29, 1731, to Arthur Onslow, Speaker of the House of Commons. Belcher Papers, I. 21.)

"Mr Shirley is got safe to us with his good lady & family." (Governor Belcher's letter November 20, 1731, to Henry Newman, *Ibid.*, I. 60.)

Shirley succeeded Belcher as Governor, his commission bearing date May 25, 1741.

² Council Records, XII. 321.

³ *Ibid.*, XII. 357.

⁴ *Ibid.*, XII. 378.

⁵ *Ibid.*, XII. 394.

The Boston Gazette of September 3, 1754, says:¹—

“On Saturday last JOHN SHIRLEY, Esq; Son of His Excellency our Governour, arrived here from *Falmouth* in *Casco Bay*,”

and he gave an interesting account of the expedition of Lieutenant-Colonel Preble, with the forces under his command, to the head waters of the Kennebec.

“His Excellency was in good Health when Mr. *Shirley* left him, and proposes to be in Town, with the Gentlemen who attend him, in about ten Days Time.”

These repeated absences from his duties in the Probate Office were caused by his employment in other public affairs. He recruited men for his father's regiment and received a commission as Captain.

The following November he was in New York, as appears by a letter² written by him, to Governor Morris, of Pennsylvania, on the 19th of that month, and he was then about to return to Boston.

In another letter³ to Governor Morris, dated Boston, May 29, 1755, he refers to the preparations then making for the expedition to Niagara.

“Dear Sir:

I should not sleep quiet on my Bed was this Express to go away without a line from me, to give You a short Acco^t of our Proceedings. The Nova Scotia Troops sail'd not 'till four days after our Return hither . . .

We go on as fast as I expected in our particular Expedition, & this Province & Connecticut Seem near ready to march their Men towards Crown Point. Our Regiment will begin to move in Companies from hence to Providence, where Transports are ready to receive 'em, by this day Week, & they are to proceed directly to Albany, without debarking at New York. . . .

¹ New England Historical and Genealogical Register, XXII. 406; 1 Collections Maine Historical Society, VIII. 230; see also Boston News Letter, September 5, 1754. The Boston Gazette of September 10, 1754, announces:—

“Yesterday about Noon, the Province Sloop, *Thomas Sanders* Master, arrived before Castle William, after a very short Passage from Falmouth in *Casco-Bay*, with His Excellency our Governour, and several Gentlemen attending him, on board; at which Place His Excellency has for some Time past resided, and where His Presence was peculiarly wanted, in managing the important Affairs of the Province on our Eastern Borders.”

² Penn Archives, II. 199.

³ *Ibid.*, II. 332.

This is possitively all my time will allow me to say to You at present, for my father takes up every Moment of it, & I imagine, if I was not his Son, as he is now a Major General, he would declare me his Aid de Camp; but you know how nice he is in providing for those w^{ch} all y^e World beside provide for first . . .

I am wth the warmest Affection,

D^r Sir, Your Oblig'd & most

Obedient Servant,

JOHN SHIRLEY.

. . . My father & myself dont move from hence before three Weeks, every body else goes wth y^e Regiment."

In a letter¹ to Governor Morris, dated Oneida Carrying Place, August 12, 1755, he informs him:—

" . . . I have little of News to add since my father's last letter to You, inclosing Copies of his Orders to Col. Dunbarr, whose Retreat is tho't by many here to be a greater Misfortune than the late Gen^l Braddock's unhappy Defeat. What Dishonour is thereby reflected upon the British Army! . . .

We left Albany the 24th of July & wth great Difficulty got here not till ye 8th Instant, the Water being excessively low . . .

We go from hence tomorrow, & expect to be at Oswego in 4 days afterwards. Col. Mercer will be six days behind us, & we can't have less than six more to fit out from Oswego after he joins us, so that we shan't be before Niagara 'till the 1st Week in ye next month. . . . My father has been so good as to declare me one of his Aid-de-Camps. . . .

If you will promise to excuse Blots, Interlineations & Grease (for this is wrote in ye open Air upon ye head of a Pork bb^l & 20 People abo^t me) I will begin another half sheet."

In another letter² to Governor Morris, dated Oswego, July [August] 20, 1755, he says:—

"I wrote to you about Six days ago from the Great Carrying place. We got here safe the day before yesterday, & expect Col. Mercer will be here by the 24th, wth the last of everything b'longing to the Expedition. . . . I find this Express is just going; We must, I perceive, stay here 10 days longer."

In a letter³ to Governor Morris dated Oswego, September 8, 1755, he writes:—

"Dear Sir,

I am much oblig'd to You for yo^r two letters dated 21st & 24th Aug^t, & for the hint you have given my father concerning my being

¹ Penn. Archives, II. 387.

² *Ibid.*, II. 381.

³ *Ibid.*, II. 402.

sent home wth his Dispatches. My father is now in Conference wth the Indians, & has given me your three last Letters to answer for him, w^{ch} I am sorry for, as I can't wth Propriety answer that part of yo^r last w^{ch} relates to me; but he has that high Opinion of your Judgment, that I look upon myself now, as sure as if I had his Promise of it: however, I sh^d have been glad to have seen what he would have said to You upon it. I have put into his Letter all the News concerning ourselves w^{ch} I tho't was proper for him to mention: You therein see how difficult a Navigation is from Schenectady hither. Col. Mercer was 26 days coming here & some of the 9 Pounders are still upon a Rift a Mile from hence, where they bilg'd the Battoes. The French have found means to alter the Indians vastly; they were much our friends before, but they are now so troublesome, it is a difficult matter to live in the same place. . . . The Conference is just ended & the Indians have declar'd in a seeming hearty Manner, that they will be true to him, my father, & follow him where ever he goes. They are certainly a most necessary and useful set of People to have wth us, but then they are by far ye most troublesome in the World. . . . Nobody holds it out better than my father & myself. We shall all of us relish a good House over our heads, being all incamp except the General & some few field Officers, who have what are call'd at Oswego, houses, but they would in other Countries be call'd only Sheds, except the fort where my father is, Adieu, Dear Sir, I hope my next will be directed from Frontenac.

I am ever wth a most sincere Regard,

Yours most Affectionately,

JOHN SHIRLEY.

Oswego, 10 o'Clock at Night,
in a Wet Tent, Sept^r 8th, 1755.

P. S. . . .

Ten o'Clock at Night, Sept^r. 11th.

. . . We have now only 8 days Bread, Pork & Beef enough, but no Rum or Pease; & what makes this y^e more provoking is, that these Provisions have been ready for us in Abundance these two Months at least."

In a letter ¹ to Governor Morris, dated Oswego, September 22, 1755, he says: —

"Dear Sir,

I am set down in hopes I may have a Minute to write to You in. By my last I inform'd You that we were going to Cadaraqui, or Frontenac, & so it was then determin'd by the General in his own Mind; We have since had further Intelligence from Niagara, w^{ch} has alter'd

¹ Penn. Archives, II. 423.

him, & it was Yesterday determin'd in a Council of Warr to go as soon as possible upon the Attack of the last mention'd Place: The Council unanimously agreed to every thing w^{ch} was propos'd by the General. . . .

If our Provisions come up we may set off in five days. This day finishes all our Bread & flour in Store, but we have in Sight some Battoes, w^{ch} I hope will deliver a large Quantity of the Articles most wanted; & as both Men & Officers are pick'd, I dare say we shall give a good Acc^t of ourselves. . . . All I am uneasy about is our Provisions Our Men have been upon half Allowance of Bread these three Weeks past, & no Rum given to 'em; We have many ill . . . more Officers in proportion ill than men. . . .

My father yesterday call'd all the Indians together & made 'em a Speech on the Subject of Gen^l Johnson's Engagem^t, w^{ch} he calculated to inspire them wth a Spirit of Revenge, & it had the desir'd Effect, for at night, in feasting upon a Bullock w^{ch} he order'd 'em upon the Occasion, they roasted in *their way*, & eat the Gov^r of Canada, had a grand Warr dance, & shew'd a Spirit quite Satisfactory to all of us. . . .

You know how my father employs every body who are near him, he makes me write all his Letters. . . . I will not again appologize for my unintelligible Scrawls, but am, wth the sincerest Regard & Affection,

D^r Sir, Your most Oblig'd & faithfull Humble Servant,

JOHN SHIRLEY."

The Boston Gazette of Monday, November 24, 1755, contains the following:—

"*New-York, November 17.*

Wednesday last arrived here in a Sloop from Albany, Cpts. Shirley and Morris, of Shirley's Regiment, and Capt. Ascough, Commander of one of the Vessels of War on Lake Oswego, where we are told, Colonel Mercer is left" in command.

The Boston Gazette of Monday, December 1, 1755, announces:—

"We hear from *New-York*, that Yesterday Morning was sev'night, about Six o'Clock, departed this Life, Mr. *John Shirley*, youngest Captain in the Regiment under his Father General *Shirley*, and one of his Aid de Camps."

Governor Morris, writing to Governor Dinwiddie of Virginia, in a letter¹ dated Philadelphia, November 29, 1755, says:—

¹ Penn. Archives, II. 531.

"My Heart bleeds for M^r Shirley. He must be overwhelmed with Grief when he hears of Cap^t John Shirley's Death, of which I have an Account by the last Post from New York, where he dyed of a Flux and Fever that he had contracted at Oswego. The Loss of Two Sons in one Campaign scarce admits of Consolation. I feel the anguish of the unhappy Father, and mix my Tears very heartily with his. I have had an intimate Acquaintance with Both of Them for many Years, and know well their inestimable Value."

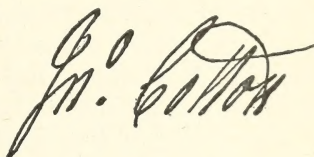
Governor Morris, in a letter¹ dated November 27, 1755, writes to General Shirley:—

"Permit me, good sir, to offer you my hearty condolence upon the death of my poor friend Jack, whose worth I admired, and feel for him more than I can Express. His good sence and sweetness of temper made him generally beloved, and few men of his age had so many friends. Your affliction is truly great, to be deprived of two such sons² in one year, is a loss uncommonly heavy, and would bear down any man not fortified with the same firmness of mind, and resignation to the divine will that you are. . . ."

JOHN COTTON.

1755-1775.

John Cotton, son of the Rev. Nathaniel Cotton³ (Harvard College, 1717), of Bristol, Rhode Island, and great-great-grandson of the Rev. John Cotton, minister of the First Church of Boston, was born March 25, 1728, in Bristol, Rhode Island.⁴

A handwritten signature in dark ink, appearing to read "Jn. Cotton", written in a cursive style with a large, looping initial "J".

After the death of his father, his mother, left a second time a widow, removed with her children to Boston, and in the record of the admission of John Cotton to Harvard College,⁵

¹ Penn. Archives, II. 524.

² William Shirley, another son of Governor Shirley, was killed "*in the Action on the Banks of the Monongahela the 9th Day of July, 1755*" at the time of Braddock's defeat. He was General Braddock's secretary. "Poor Shirley was shot thro' the Head." (Letter to Governor Morris from Captain Robert Orme, aid-de-camp, who was himself wounded in the action. Penn. Col. Rec., VI. 488-489.)

³ New England Historical and Genealogical Register, I. 165; Munro's History of Bristol, Rhode Island, p. 219.

⁴ Bristol, Rhode Island, Vital Statistics, p. 71.

⁵ Harvard College Faculty Records, I. 197.

his residence is given as Boston. He was graduated from Harvard College in the class of 1747.

At a meeting of the Council¹ held in Boston March 28, 1755, the Governor announced the resignation of John Shirley as Register of Wills, etc., and then nominated

“Mr John Payne & Mr John Cotton to be Joint Registers of Wills &c within the County of Suffolk,”

and the Council consented.

John Cotton was also Deputy Secretary of the Province for many years.

He was chosen, April 23, 1757, Collector² of the Duty of Excise upon Tea, Coffee, and China Ware for the County of Suffolk.

He was a farmer³ of the Excise for the County of Suffolk on Tea, Coffee, and China Ware in 1764, and he was to receive the duties on these articles at his house in Sudbury Street.

He was Clerk of the Commissioners⁴ to settle the New York line in 1766.

In the Massachusetts Archives there is a letter⁵ from Lieutenant-Governor Hutchinson, dated August 12, 1770, in which he says: “Mr Belcher is upon his last legs and cannot continue many weeks,” that the place of Register of the Court of Vice-Admiralty cannot be worth more than £100 a year, “which nobody in England of any credit would accept of, especially when the Officers of the Court of Admiralty are so unpopular” that he, Hutchinson, had taken the liberty to write to Sir Edward Hawke in behalf of Mr. Cotton, etc.

The letter⁶ of Hutchinson to Sir Edward Hawke⁷ is dated August 14, 1770, and is as follows: —

“Sir

Mr Belcher the Register of the Court of Vice Admiralty is in a desperate state of health and his Physicians think cannot continue many weeks. The business of his Post has always been done by a Deputy.

¹ Council Records, XII. 394.

² General Court Records, XXI. 554.

³ Suffolk Court Files, DXCVII. 1-11; Mass. Archives, CXX. 662, 673-675; Boston News Letter, April 19, 1764, *et seq.*

⁴ Mass. Archives, VI. 323-325.

⁵ *Ibid.*, XXVI. 535.

⁶ *Ibid.*, XXVI. 535.

⁷ Sir Edward Hawke was then first lord of the admiralty.

From the best judgment I can make the whole fees do not exceed One hundred pounds sterling p^r Annum. If there was a probability that a person proper for such an Office would leave England at a time when the Officers of that Court meet with so much trouble from the prejudices and perverseness of the People, I would not presume to ask the Office for any person in America. M^r John Cotton who has been many years Deputy Secretary for the Province and Register of Probate for the County of Suffolk, both which places are worth to him but about one hundred pounds sterling and the first very precarious depending not only upon the principal for the continuance of it but upon the House of Representatives for any grant or allowance, has been attached to Government and serviceable as far as his Sphere would admit. If you have any other person in view I may not expect this favour for him; if you have not, I beg leave to mention him as qualified for it and to ask it as a favour to myself he being half brother to my late wife, and having been many years one of my family.¹ . . .

R Hon^{ble}: Sir EDWARD HAWKE."

Governor Hutchinson² writes to Sir Francis Bernard under date of May 23, 1771: —

"By the death of M^r Cooke Clerk of the Court I wished to have provided for M^r Cotton but I find Goldthwait the other Clerk averse to it and he gives this reason that the place requires so constant attendance that it is not possible he should hold that and the Deputy Secretary's place also. While I was considering Price the Deputy Register of the Admiralty made Interest with Hill Dana Avery and the Justices of that Faction and got himself appointed Clerk to the Sessions with Goldthwait's privacy and connivance . . . I would have recommended M^r Cotton as Deputy to your Son in the Admiralty if it had been vacant but I believe Price is more used to the business and though he has not used me well I am not willing to deprive him of anything he enjoys. The Marshalls place in the Admiralty if he could be the principal, would

¹ Governor Hutchinson married, May 16, 1734, Margaret, daughter of William Sanford (Harvard College, 1711), of Newport, Rhode Island, and Grizzell (Sylvester) Sanford, his wife. William Sanford died April 24, 1721, and his widow married (intentions published, January 20, 1721-2) for her second husband the Rev. Nathaniel Cotton, of Bristol, Rhode Island. He died July 3, 1729, leaving her again a widow.

John Cotton was a son of Grizzell (Sylvester) Cotton by her second husband, and he was therefore half brother to the wife of Governor Hutchinson.

Margaret Sanford Hutchinson died March 12, 1753, and Governor Hutchinson never married again. (Rhode Island Historical Magazine, VII. 300; The Sanford Family. Diary and Letters of Thomas Hutchinson, by Peter Orlando Hutchinson, I. 49; Life of Thomas Hutchinson, by James Kendall Hosmer.)

² Mass. Archives, XXVII. 169.

make him I believe fifty or sixty pounds a year and would be worth taking and with what he has just give him a living . . . I am told Captain Hallowell has wrote in favour of one Shipard who has a place of Tide Surveyor in the Customs. I could wish for Cotton but am not known to My Lord Sandwich . . . I would make application to Lord Sandwich and ask it as a favour to myself as well as a reward to M^r Cotton for having done all which his Sphere would admit of for the service of Government if I had been as well known to his Lordship as I was to Sir Edward Hawke . . . I had the honour of spending a day at Sir Hans Sloans in 1741 when he shewed his Collection to Lord Sandwich but I dare say he has no remembrance of me.

I confine this Letter to this Subject

I am Dear Sir

Your faithfull humb^l Ser^t

Sir FRANCIS BERNARD Bart^r

Governor Hutchinson in a letter¹ dated Boston, September 23, 1771, to the Earl of Sandwich says:—

“My Lord

There being no person within the Prov. authorized to act as Marshal of the Court of Vice Admiralty pursuant to the powers given me in such cases by His Maj. Comission I appointed one W^m Sheppard to act in that Office but intimated to him that his continuance in it would probably be short & that he would be superceded by some person Comissd by the Lords of the Admiralty. The business & emoluments of the Office are so very small that no person will come from Eng^d for the sake of that Office only. For more than 30 years it was held by M^r Paxton who enjoyed another place in the Gov^t at the same time. If your Lordship shall think proper to appoint any person in the Province I beg leave to recomend M^r John Cotton who for several years past has been Deputy Secretary & has behaved well in the late disorderly times. I have My Lord some self interest in this recommendation M^r Cotton being half brother to my late wife. This would not induce me to name an unfit person to y^r Lordship. M^r Cotton stood well wth S^r Francis Bernard & I have heard him express a desire to give him some additional Office what he has not affording him necessary support.”

Governor Hutchinson in another letter² dated May 27, 1772, says:—

“My Lord

M^r W^m Sheppard the acting Marshal in the Court of V Admiralty died the 17 Inst. It was necessary the place should be immediately

¹ Mass. Archives, XXVII. 232.

² *Ibid.*, XXVII. 337.

filled & I have appointed M^r John Cotton to act as Marshal until the Marshal who is in England shall appoint a new Deputy. . . . If your Lordship shall think it expedient to avoid any dispute at present upon this point I shall be ready to continue my Commission to M^r Cotton or to give a Commission to any other person M^r Howard may prefer as his Deputy.”¹ . . .

Governor Hutchinson in a letter² dated Boston, October 1, 1772, writes : —

“ Sir,

Immediately after the receipt of your Letter I sent for M^r Cotton & delivered him your Commission to be recorded in the Registry of the Admiralty but soon after he returned it to me, the Judge declining to cause it to be recorded, or to receive it or to admit your deputations because it does not appear upon the Commission or by indorsement that you have qualified yourself for the Trust by taking the Oaths to the Government.

I endeavoured to find some expedient to prevent sending back the Commission but to no purpose. . . . I have told M^r Cotton he is to consider himself as your Deputy so far as to be accountable to you for one half the profits notwithstanding this accident and as much as if the Deputation sent him had been without exception & he expects it. It will be necessary notwithstanding to renew the Deputations and to date them after the date of the Oaths for the prejudice is so strong against the Court of Admiralty that not only every legal objection but every cavil will be made against the doings of the Officers.”

At a town meeting³ held in Boston, June 27, 1774, a “ Motion for Censuring & annihilating the Committee of Correspondence ” was made. It was thought by many that the Committee had gone too far and had exceeded its powers. The merchants took sides against it. After a long and heated debate, which lasted all day and part of the next, the motion to censure was “ put and pass’d in the Negative.” The dissentients, however, made a “ publick and solemn Protest against the Doings of the said Committee, as such, against the Solemn League and Covenant aforementioned, and against the Proceedings of the

¹ The Boston News Letter of May 21, 1772, announces the death of William Sheppard, Esq., Marshal of the Court of Admiralty, and further: “ His Excellency the Governor has been pleased to appoint John Cotton, Esq; to the Office of Marshall of the Court of Admiralty.”

² Mass. Archives, XXVII. 547.

³ Boston Town Records, V. 522; Diary of John Rowe, 2 Proc. Mass. Hist. Soc., X. 86.

Town so far as they have adopted the illegal Proceedings of the said Committee of Correspondence." This protest¹ was dated June 29, 1774, and bore the names of many of the foremost citizens. John Cotton, who, as Governor Hutchinson says, was "attached to Government," and who "behaved well in the late disorderly times," signed the Protest, and so ranged himself on the side of the Government and against the popular party.² But he did not live to take an active part in the impending struggle. He died in Boston during the siege.

The Massachusetts Spy of July 26, 1775, contains the following:—

"By a person of undoubted veracity, who came out of Boston, last Thursday se'nnight, by permission of Gen. Gage, we learn that . . . several of the tories had caught the distemper from the troops and died, among whom it is said, are Edson, Winslow, Hutchinson and Cotton."

And in its issue of August 16, 1775, the Spy publishes a letter of William Brattle,³ written in Boston, and dated Saturday, August 5, 1775, in which he says:—

"Mr. Cotton and eldest son are dead of the flux."

The date of his death was July 15, 1775, as appears by the entry in the Cotton Family Bible.⁴

John Cotton married in Boston, October 5, 1755, Mary

¹ Boston News Letter, July 7, 1774; Force's American Archives, 4th Series, I. 490; 1 Proc. Mass. Hist. Soc., XI. 302.

² Sabine's Loyalists of the American Revolution, I. 337; Memorial History of Boston, III. 176.

³ William Brattle (Harvard College, 1722) was a Loyalist. He remained, during the siege, in Boston, and on its evacuation sailed in the fleet to Halifax. (Sabine's Loyalists of the American Revolution, I. 250.)

⁴ I am indebted to Miss Edith Child, daughter of the late Dudley Richards Child, of Boston, for extracts from the record contained in the family Bible of John Cotton. His children were eleven in number, and the names and dates of birth and death of each are all carefully set forth in this Bible.

Rowland Cotton, then the eldest surviving son, and aged seven years, died in Boston during the siege, July 9, 1775, a few days before the death of his father.

Grizzell Cotton, a daughter, died November 5, 1782, aged nearly twenty. Dudley Cotton, born January 3, 1771, entered the Boston Latin School in 1779, and died January 5, 1793. He was the only one of the eleven to arrive at full age. The others, except the daughter above mentioned, all died in childhood.

The birth of only one of the children of John and Mary Cotton is recorded in the Boston Records.

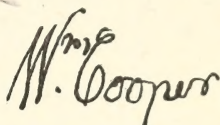
Mary Cotton, the mother, died February 6, 1796, having survived her husband and all her children. Her will, dated January 12, 1796, was probated February 16, 1796.

Dudley, daughter of William Dudley, a brother of Chief Justice Paul Dudley. The baptisms of several of the children born to them are recorded in the Brattle Street Church Records.

WILLIAM COOPER.

1759-1799.

William Cooper, son of the Rev. William Cooper,¹ of the Brattle Street Church, Boston, was born in Brookline, October 1, 1721. His mother, Judith Cooper, was a daughter of Judge Sewall, and Judge Sewall in his Diary² says:—



"Lord's Day Octob^r 1. [1721]. Gleson brings me Word that my daughter Cooper was deliver'd of a Son the night before."

And Samuel Sewall, Jr., in his Notes,³ writes:—

"1721 October 1st, Sabbath-day morning, between twelve and one, sister Cooper brought to bed of a son at Brooklin, in our best lower room. 8th brother Cooper preach'd at Brooklin and baptized his son William, taking him in his arms."

In deeds and other instruments⁴ he is styled at first merchant and afterward gentleman.

¹ Memorial History of Boston, II. 558, III. 28 n.; New England Historical and Genealogical Register, XLIV. 53-61, XLIX. 385; Waters' Genealogical Gleanings in England, II. 1041; "Thomas Cooper of Boston and his Descendants," by Frederick Tuckerman. (Reprinted from the New England Historical and Genealogical Register, XLIV. 53); "William Cooper, the Town Clerk of Boston," a paper read at the meeting of the Boston Antiquarian Club, April 12, 1881, by Frederick Tuckerman (Reprinted from the Boston Evening Transcript of July 7, 1881), Amherst, 1885; Bangor Historical Magazine, II. 33-40, V. 45, 46.

² Sewall's Diary, III. 292. It was on account of the smallpox then raging in Boston that William Cooper happened to be born in Brookline, for Samuel Sewall, Jr., in his Notes (Sewall's Letter Book, II. 301, 302) says:—

"1721, May 29th. Sister Cooper came to live at our House for fear of the small Pox, with her Maid, Susannah Thayer."

"1721, Nov^r 18th. Sister Coopers Maid, Susanah Thayer, carried away from our House in a Coach, Sick of the small pocks. 30th., She dies of the Small Pox at Boston."

³ Sewall's Diary. I. xxxix.

⁴ In 1755 he was fitting out "two Vessels for the Bay of *Hondoras*," and he petitioned for "Liberty to take on Board about sixty-five Barrels of Beef Pork and Flour for each Vessel," as "a Quantity of Provisions is a necessary Part of

At a town meeting¹ held in Boston, April 8, 1746, he was chosen one of the Clerks of the Market.

At a town meeting² held March 9, 1752, he was chosen constable, but paid the fine of £3, and was excused from serving.

At a town meeting³ held May 16, 1755, he was chosen one of the Representatives to the General Court.

During his term of service there, he was a member of various committees⁴ of the House, and at its expiration, when his suc-

the Cargoes designed for that Place, which, as the Law now stands, cannot be Cleared out by the Impost Officer." This petition was granted September 8, 1755. (Mass. Archives, LXV. 134; Journal of the House of Representatives, 1755, p. 161.)

¹ Boston Town Records, IV. 99.

² *Ibid.*, IV. 270.

³ *Ibid.*, IV. 365.

⁴ Among the committees of the House on which he served were the following:—

"To prepare and bring in a Bill in Addition to the several Acts now in Force, relating to Culling and Packing Fish, Assize of Shingles, and Admeasurement of Boards &c." (May 30, 1755, Journal of the House of Representatives, 1755, p. 9.)

"To take under Consideration that Part of his Excellency's SPEECH of this Day, relating to the Supply of the Treasury." (May 30, 1755, *Ibid.*, 11.)

"To examine the Province Treasurer's Accounts." (June 2, 1755. *Ibid.*, 16.)

"To wait on his Excellency," with the "Report of the Committee directed to prepare an Answer to his Excellency's Message of Yesterday," concerning an increase of the forces intended for Crown Point. (June 3, 1755. *Ibid.*, 21.)

"To examine the Commissary-General's Accounts." (June 6, 1755. *Ibid.*, 33.)

"To enquire what Stock of Powder and Small-Arms there is in the several Magazines of this Province." (June 9, 1755. *Ibid.*, 45.)

"To prepare the Draught of a proper Message to be presented to his Excellency for the Purposes aforesaid," viz., "not to suffer any of the Soldiers now in the Pay of this Province for the Defence of the Frontiers, or that may be raised therefor, to enter into any other Service whatsoever." (June 9, 1755. *Ibid.*, 48.)

"To wait upon his Excellency the Captain-General," with the Message. (June 9, 1755. *Ibid.*, 49.)

To desire his Excellency "to acquaint the other Governments with what this Court have done respecting the Transportation of Provisions and Warlike Stores out of this Province, and to urge them to join in the same Measures." (July 14, 1755. *Ibid.*, 77.)

To examine the "Act for preventing the Exportation of Provisions and Warlike Stores out of this Province; and report what Amendments they think proper should be made thereon." (August 12, 1755. *Ibid.*, 132.)

To consider how to raise men "to Reinforce the Garrison at Fort-Dummer." (August 13, 1755. *Ibid.*, 139.)

To consider a method of raising "two Thousand Men," "in Addition to the Forces already ordered for the Crown-Point Expedition." (September 5, 1755. *Ibid.*, 153.)

To enquire "whether there be any Money to be borrowed sufficient for the present Exigency of the Affairs of the Government." (September 24, 1755. *Ibid.*, 169.)

To consider "the Affair of the Recruiting Officers sent here by Governour

cessor was chosen, at a town meeting held May 11, 1756, it was

LAWRENCE for inlisting Men into his Majesty's Service in *Nova-Scotia*." (September 26, 1755. Journal of the House of Representatives, 1755, p. 171.)

"To make a proper Representation to his Majesty of the late important Victory obtained over General Baron *Dieskau*, and the French and Indians at *Lake-George*, by his Majesty's Colony Forces under the Command of Lieut. General *Johnson*; and that the present Situation of Affairs, especially relating to this Province, together with our peculiar Distresses, be set in a full Point of Light; and that a humble Application be made unto his Majesty for a Reimbursement of our late Charges, or for such Relief and Assistance as his Majesty in his great Wisdom and Compassion shall think meet." (September 26, 1755. *Ibid.*, 172.)

"To prepare a Bill to regulate the inlisting Soldiers." (September 27, 1755. *Ibid.*, 176.)

"To regulate the Sale of Poisons or other Drugs, by the Apothecaries, or any other Persons within this Province." (September 29, 1755. *Ibid.*, 179.)

To confer with the committee of the Council as to "their Non-concurrence of the Vote of this House, desiring his Honour to declare War against the *Penobscot* Tribe of Indians." (October 1, 1755. *Ibid.*, 184.)

"To prepare Letters to the Earl of *Hallifax* and Sir *Thomas Robinson*," "acquainting them with the Substance of the late Address of this Government to his Majesty; as also with the Instructions relating thereto to Mr. Agent *Sharpe*; and desiring them to favour us with their kind Assistance, that we may obtain that Relief under our present Distresses, which we are soliciting his most sacred Majesty for." (October 2, 1755. *Ibid.*, 185.)

To consider "Letters lately received from his Excellency Governour *SHIRLEY* and General *JOHNSON*." (October 23, 1755. *Ibid.*, 190. October 31, 1755. *Ibid.*, 210.)

"To prepare Instructions for the Commissioners appointed to repair to *Albany*, in order for the more effectual carrying on the Expedition against *Crown-Point*." (October 28, 1755. *Ibid.*, 203.)

To wait on the Lieutenant Governor, and "desire that he would be pleased to declare War against the *Penobscot* Tribe of Indians." (October 30, 1755. *Ibid.*, 208.)

"To prepare a proper Vote for allowing the Exportation of Gun-Powder from this Province to the Neighboring Governments." (November 4, 1755. *Ibid.*, 216.)

"To inquire into the Circumstances of the said *French* People, [from *Nova Scotia*] and report to this House the State they shall find them in." (November 5, 1755. *Ibid.*, 218.)

"To examine into the State of the *French* on Board the several Transports now in the Harbour of *Boston*." (November 6, 1755. *Ibid.*, 224.)

"To order and direct in the Disposition of such of the Inhabitants of *Nova-Scotia*, as are or may be sent hither; and that they dispose of them in such Manner as may be least inconvenient to this Government." (November 7, 1755. *Ibid.*, 226.)

To consider "the Affair of the four Towns which have withdrawn from this Government, and put themselves under the Jurisdiction of the Government of *Connecticut*." (December 16, 1755. *Ibid.*, 234.)

To examine "An Act for regulating the Inlistment of Soldiers into his Majesty's Land Service" "and make the proposed Amendments." (December 16, 1755. *Ibid.*, 234.)

"Also unanimously Voted that the Thanks of the Town be and hereby is given unto M^r William Cooper for the good Services he has done the Town as their Representative for the Year past."¹

At the town meeting² of March 9, 1761, he was chosen

"On the Impost and Excise Bills." (December 17, 1755. Journal of the House of Representatives, 240.)

"To prepare and bring in a Bill allowing a Lottery for the Benefit of the Town of *Boston*, for the better repairing and maintaining the Road over *Boston-Neck*, so called, and report thereon." (December 19, 1755. *Ibid.*, 245.)

To consider "the past Proceedings of the Court" relative to Province Lands. (December 26, 1755. *Ibid.*, 262.)

"Mr. *Cooper* communicated to the House his Thoughts upon the Affair of an Excise, which he read at his Seat, and then laid on the Table." (December 26, 1755. *Ibid.*, 264.)

"To provide for the Support of such Inhabitants of *Nova-Scotia*." (December 27, 1755. *Ibid.*, 266.)

To consider "the last Year's Excise-Act; Mr. *Hooper's* and Mr. *Cooper's* Tho'ts on an Excise-Bill," etc. (January 15, 1756. *Ibid.*, 271.)

To consider "the Pilotage of the Harbour of *Boston*, more especially with Regard to the Keeper of the Light-House." (January 22, 1756. *Ibid.*, 281.)

To enquire "what Sums of Money are due to the Province." (January 26, 1756. *Ibid.*, 289.)

To enquire "into the Conduct of the several Commissaries on the Western Frontiers of the Province." (February 4, 1756. *Ibid.*, 310.)

To consider the account of the "Trustees for the Affairs of the *Punkapoug* Indians." (February 10, 1756. *Ibid.*, 322.)

To consider "the Cost and Charge this Province hath been at in the *Crown-Point* Expedition." (February 11, 1756. *Ibid.*, 325.)

To examine "sundry Accounts of Persons living on the Western Frontiers of the Province, for Billeting Soldiers sent from the Government of *Connecticut* for the Defence of the Inhabitants there." (February 11, 1756. *Ibid.*, 325.)

"To prepare the Draught of a proper Vote relating to the Commencement of the Subsistence of the two Thousand Men raised to Reinforce the Army in the late *Crown-Point* Expedition." (February 26, 1756. *Ibid.*, 373.)

"To farm out the Excise on spirituous Liquors for the County of *Suffolk*." (March 3, 1756. *Ibid.*, 386.)

To raise "Men for the intended Expedition against *Crown-Point*." (April 2, 1756. *Ibid.*, 429.)

To wait on the Governor to know "whether he can advance the Sum of *Twelve Thousand Pounds* Sterling to this Government, for the *Crown-Point* Expedition, out of the Money in his Hands belonging to the Crown." (April 7, 1756. *Ibid.*, 440.)

To consider the "Petition of *Joseph Mitchell*." "One of the Neutral French Inhabitants late belonging to *Nova-Scotia* now residing at Marshfield in the County of *Plymouth*." (April 20, 1756. *Ibid.*, 487; Mass. Archives, XXIII. 51.)

¹ Boston Town Records, IV. 379.

² *Ibid.*, IV. 464.

The Boston Gazette of Monday, March 15, 1784, contains the following:—

"An Inhabitant of this Town expresses his happiness, that notwithstanding the opposition, the Office of Town Clerk remains with its former Possessor—observing that an old Servant, who, as in this Case, has ever executed his Trust

Town Clerk succeeding Ezekiel Goldthwait, who had held the office for twenty consecutive years. William Cooper held it for even a longer period, being annually elected from 1761 till 1809, the year of his death, sometimes by a unanimous vote and sometimes by a majority vote.

He took an active part in all town affairs and was a member of many important committees.¹

with Faithfulness, and that too in the worst of Times, when double Diligence and Attention were requisite — that, a Person thus proved worthy of his Employment ought still to be employed."

At a town meeting held March 8, 1790 (Town Records, VIII. 142),

"A Letter from Maj: William Thompson to the Selectmen of Boston, inclosing the Copy of a hand bill which had on the Saturday preceeding been dispersed in this Town containing his offer to serve in the Office of Town Clerk for one half the Salary granted the last Year to the present Clerk & requesting that they may be read to the Inhabitants, previous to the Votes being given in for a Town Clerk — were accordingly distinctly read by the Town Clerk — a short Pause followed The Inhabitants were then directed by the Selectmen to withdraw, and bring in their Votes for a Town Clerk, and the same having been brought in and sorted, it appeared that the whole number was 616. and that

William Cooper

having 512 of said Votes, was chosen Town Clerk for the Year ensuing."

¹ He was also a fireward for thirty-five successive years — from 1755 to 1790 — being annually chosen to that office. After his election in the latter year (Town Records, VIII. 144, 153) he announced that he must now decline that Service, whereupon it was

"Voted, That the Thanks of the Town be and hereby are given unto Mr. Cooper for his good Services during so long A Period."

He served also on the following town committees: —

To audit the "Town Treasurers Accompts" and the "Accompts of the Overseers of the Poor." (March 10, 1746 / 7; Town Records, IV. 128; March 12, 1750 / 1. *Ibid.*, IV. 254; March 13, 1753. *Ibid.*, IV. 304; March 12, 1754. *Ibid.*, IV. 340; May 11, 1756. *Ibid.*, IV. 380; March 14, 1757. *Ibid.*, IV. 384½; March 14, 1758. *Ibid.*, IV. 413½.)

To consider how to reduce the Town's Expenses. (March 12, 1750 / 1. *Ibid.*, IV. 252.)

To "Reduce the present Excessive price of Provisions" etc. (March 9, 1752. *Ibid.*, IV. 275; March 10, 1752. *Ibid.*, IV. 284.)

To "Visit the Publick Schools." (March 13, 1753. *Ibid.*, IV. 310; May 15, 1754. *Ibid.*, IV. 346; May 10, 1757. *Ibid.*, IV. 393; June 15, 1756. Selectmen's Minutes, X. 5.)

To draft a petition to the General Court "that the Town may be Abated such Taxes as have been usually paid by those of its Inhabitants that the last Summer remov'd into the Countrey Towns to avoid the Small pox and paid Taxes there." (March 13, 1753. Town Records, IV. 311.)

"To Enquire what Fines have been paid into the Town Treasury for several years Past." (March 12, 1754. *Ibid.*, IV. 337.)

"To Consider of some Method of lessening the Publick Taxes," etc. (May 15, 1754. *Ibid.*, IV. 349.)

"To forward the Letter now read" to Christopher Kilby the Agent for the Town in London. (January 3, 1755. *Ibid.*, IV. 360.)

At a Council held in Boston, December 19, 1759, His Excellency the Governor (Thomas Pownall) nominated

To consider methods "for promoting a more general Reformation of Manners." (March 8, 1756. Town Records, IV. 377½.)

To examine the accounts of the "Managers of Boston Lotteries for raising Monies to Pave & Repair the Neck." (November 1, 1757. *Ibid.*, IV. 401; March 14, 1758. *Ibid.*, IV. 412; May 16, 1758. *Ibid.*, IV. 416½.)

To consider "what is necessary to be done for the preservation of Beacon Hill." (May 16, 1758. *Ibid.*, IV. 416.)

To prepare instructions to the Representatives in the General Assembly or Great and General Court. (March 10, 1760. *Ibid.*, IV. 443; May 20, 1772. *Ibid.*, V. 362, 364; May 5, 1773. *Ibid.*, V. 439; May 10, 1779. *Ibid.*, VI. 271.)

The official copy, in the handwriting of William Cooper, Town Clerk, of the Instructions to the Representatives adopted May 20, 1772, was presented to the Massachusetts Historical Society and printed in the Proceedings of the Society. (1 Proc. Mass. Hist. Soc., XII. 9.)

See also 2 Proc. Mass. Hist. Soc., IV. 50, 51, for a letter of the Town Clerk of Boston to all the towns of the Commonwealth enclosing the instructions concerning the Fisheries voted at the Town Meeting, December 11, 1781.

To consider "increasing the number of Watchmen, and advancing their Wages, or enter into any other measure, for the better security of the Town." (June 10, 1761. Town Records, IV. 492; June 17, 1761. *Ibid.*, IV. 492.)

"To Consider of some suitable methods for employing the Poor of the Town, whose Numbers and distresses are dayly increasing by the loss of its Trade & Commerce." (March 13, 1769. Town Records, V. 129.)

"To enquire into the Titles to the Dock." (September 20, 1770. *Ibid.*, V. 272.)

To consider "that some steps may be taken to vindicate the Character of the Inhabitants grosly injured by some partial and false publications relative to the trials of Cap^t. Preston &c." (March 12, 1771. *Ibid.*, V. 291; March 19, 1771. *Ibid.*, V. 295.)

To consider what shall be paid for lands taken for a new street. (May 7, 1771. *Ibid.*, V. 302.)

To attend the Committee when about to fix upon the places of the "Lamps that are to be Erected in this Town," as their proper placing "is of great importance for the convenience and elegance of the Town." (May 11, 1773. *Ibid.*, V. 451, 452. See also V. 497-500.)

On filling up the Town Dock. (March 15, 1774. *Ibid.*, V. 489.)

To obtain leave to use the Old South Meeting House for the Town meeting held June 27, 1774, to consider the conduct of the Committee of Correspondence, Faneuil Hall "not being sufficient to contain all the Inhabitants assembled." (*Ibid.*, V. 521.)

"To draught a Vote of Thanks of the Town of Boston expressive Of their Gratitude for the benevolent Assistance which they have received from the other Colonies, during their present Calamities & particularly for generous Recommendation of the respectable Continental Congress for farther Support from their Sister Colonies, during their unhappy Struggles, under the arbitrary & oppressive Measures of the present British Administration." (December 7, 1774. *Ibid.*, VI. 3.)

"To wait upon Joseph Warren Esq. & acquaint him, that it is the Desire of the Town" that his "Oration to commemorate the Horrid Massacre of the fifth of March 1770" be delivered "at the Old South Meeting House, at half after 11 O'Clock this Forenoon." (March 6, 1775. *Ibid.*, VI. 15.)

"To wait upon the Rev^d. Peter Thacher" who had delivered at the request

"M^r William Cooper and M^r John Cotton to be joint Registers of the Probate of Wills &c for the County of Suffolk."¹

of the Town of Boston in Watertown Meeting House March 5, 1776, an oration on the "Horrid Massacre" "& in the Name of the Town, to require of him a Copy of the said Oration for the Press." (March 5, 1776, at Watertown. Town Records, VI. 34.)

To apply to a proper Gentleman to deliver an Oration 5th of March next. (March 5, 1776, at Watertown. *Ibid.*, VI. 34.)

"To wait upon Benjamin Hitchburne, Esqr" who had delivered at the request of the Town March 5, 1777, an Oration on the Horrid Massacre & request a copy for the press. (March 5, 1777. *Ibid.*, VI. 101.)

To apply to a proper Gentleman to deliver an Oration 5th of March next. (March 5, 1777. *Ibid.*, VI. 101.) The committee made choice of Jonathan Williams Austin.

To apply to a proper Gentleman to deliver an Oration 5 of March next. (March 5, 1778. *Ibid.*, VI. 153.)

To report what may be further done to prevent the return of "those Persons that have left this Town, & have sought & Received Protection from the British King." (August 6, 1778. *Ibid.*, VI. 194, 195; see also *ibid.*, VI. 208.)

To report measures for the Town to adopt "in order to releive the Inhabitants under their great and growing difficulties." (January 13, 1779. *Ibid.*, VI. 215.)

To present a memorial and address to Major-General Gates. (January 16, 1779. *Ibid.*, VI. 221.)

Reports for Committee appointed March 5, 1778, that they had appointed Col. William Tudor to deliver an Oration on the Horrid Massacre. (March 5, 1779. *Ibid.*, VI. 237.)

To wait upon William Tudor Esqr who had delivered an Oration on the Horrid Massacre and request a copy for the press. (March 5, 1779. *Ibid.*, VI. 239.)

To apply to a proper Gentleman to deliver an Oration 5 March next. (March 5, 1779. *Ibid.*, VI. 239.)

To regulate the prices of imported goods and articles of consumption. (August 16, 1779. *Ibid.*, VI. 301, 305.)

At a town meeting held in Boston, October 28, 1777, "The Town Clerk having acquainted the Town, that being just recover'd from a Fever, the stormy Weather would not permit his attending the Meeting," Harbottle Dorr was chosen Town Clerk *pro tem.* (*Ibid.*, VI. 136.)

At a town meeting held in Boston, September 9, 1779, "The Inhabitants being Informed that the Town Clerk was by Sickness prevented from giving his Attendance," Samuel Ruggles was appointed Town Clerk *pro tem.* (*Ibid.*, VI. 316.)

At a town meeting held September 14, 1779, he being still "detained at home by sickness," Elisha Avery was chosen clerk *pro tem.* (*Ibid.*, VI. 319.)

He served also on these committees:—

To consider what Sums may be necessary for the town to raise to defray the Charges of the present year, etc. (June 23, 1780. *Ibid.*, VI. 444.)

To wait on Mr. Jonathan Mason, Jun^r who had delivered an Oration on the Horrid Massacre and request a copy for the press. (March 6, 1780. *Ibid.*, VI. 360.)

"To consider what further provision is necessary for the Work House." (March 14, 1780. *Ibid.*, VI. 376.)

"To prepare an Address to his Excellency John Hancock Esqr congratulating

¹ Council Records, XIV. 141. Boston News Letter, December 20, 1759.

At a Council¹ held in Boston November 5, 1761, His Excellency the Governor, Sir Frances Bernard, nominated

"Mr. William Cooper and Mr. John Cotton to be Joint Registers of Probate. for the same County."

He was among the Sons of Liberty who dined August 14, 1769, at Liberty Tree, Dorchester,² and he early became conspicuous among the opponents of the Government. The Boston Gazette³ came to be looked upon as the organ of the Revolutionary party, and its office in Queen Street was much frequented by the leaders of that party.

him on his late Appointment "as first Governor of the Commonwealth of Massachusetts, by the almost unanimous Suffrages of the People" and "to wait upon his Excellency, and in the name of the Town, to present him with said Address." (November 2, 1780. Town Records, VI. 464, 465.)

To wait on Mr. George Richards Minot who had delivered an Oration on the Horrid Massacre and request a copy for the press. (March 5, 1782. *Ibid.*, VII. 52.)

"To prepare an Address to His Excellency the Baron Viomenil General & Commander in Chief of the Forces of his Most Christian Majesty, lately arrived in this Town." (December 7, 1782. *Ibid.*, VII. 161.)

He was one of the Committee which reported against forming into one county ten towns in Suffolk and four in Middlesex. (May 14, 1784. *Ibid.*, VII. 345.)

He reported for the Committee to consider the "Petition of a Number of Gentlemen for being Incorporated as a Fire Insurance," that in the opinion of the Committee "it will not be for the Advantage of the Town, that such an Institution should be established." (May 23, 1785. *Ibid.*, VII. 439.)

He was a member also of the committee:—

To consider the Expediency of Erecting Stalls in the Market square. (October 26, 1791. *Ibid.*, VIII. 235.)

To consider "the By Laws of the Town." (March 12, 1792. *Ibid.*, VIII. 267.)

To consider and state "the objections to the several articles of the Treaty" "now pending between the United States and Great Britain" "that the same may be respectfully represented by an address to the President of the United States, and request the interposition of his constitutional Authority to prevent the said Treaty being carried into effect." (July 10, 1795. *Ibid.*, VIII. 485.)

To "take into Consideration a late law of this Commonwealth intitled 'An Act to prevent the spread of of Contagious Distempers.'" (March 12, 1798. *Ibid.*, IX. 60.)

To consider "What steps shall be taken to prevent dead Carcasses being thrown into the Mill Pond" and "To prevent the Sale of Oysters in the Summer Months." (March 12, 1798. *Ibid.*, IX. 63.)

¹ Council Records, XV. 43.

² 1 Proc. Mass. Hist. Soc., XI. 140; Diary of John Adams, I. 218.

³ Transactions of the American Antiquarian Society, VI. 51 n.; History of Printing in America, by Isaiah Thomas.

Memorial History of Boston, II. 404; III. 133, 134, "The Press of the Provincial Period" and "The Press of the Revolution," by Delano A. Goddard.

William Cooper contributed to the Boston Post-Boy and Advertiser of March 24, 1760, an account of the Great Fire of 1760. It has been reprinted in the New England Historical and Genealogical Register (XXXIV. 288).

In the Massachusetts Archives¹ there is the following letter from the Governor, Sir Francis Bernard, to Lieutenant-Governor Hutchinson :—

“ BOSTON July 29th 1769

S^r

As I am going to leave the Province I think it proper to inform you that after the Death of the late King, the Council advised me to appoint M^r John Cotton & M^r William Cooper to be joint Registrars of the Court of Probates in the County of Suffolk they being then in the same Office : but that upon some Doubts of the form of such Appointment it was deferred for some time. In this Interval I discovered that M^r Cooper was so unfit to bear any Commission under the King, that I determined not to compleat this Appointment in Regard to him : but having no Objection to the nomination of M^r Cotton, I should have made out a Commission to him if I had not doubted of the Propriety of separating Persons named by a Joint Vote of Approbation : but I intended to have settled this Matter with the Council by the first Opportunity. In the mean Time the Faction which has harrast this Country by setting them in Opposition to the King & Parliament (in which Faction M^r Cooper was known to bear a principal Part) had gained so much Ground and created a general Intimidation amongst good Men who desired to be quiet, that I could not find a proper Opportunity to propose this matter to the Council. I therefore left the Office to be executed under the former Commission, which appointment must be understood to continue while it was acquiesced in by the Judge. But being now leaving the Province I think it necessary to inform your Honour that there is no Commission of the Office of Registrar of the Court of Probates for the County of Suffolk granted by me since the Death of the late King ; and therefore the Place, as I understand, is still vacant and remains to be filled up ; and I must add that M^r William Cooper is (in my Opinion) a most unfit Man to serve the King in any Office whatsoever.

I am with great Regard

S^r Your most obedient

humble Servant

The Honorable

Lieut Gov^r HUTCHINSON.”

FRA BERNARD

The massacre in King Street took place on the night of March 5, 1770. At the meeting² of the inhabitants which was held in Faneuil Hall the following morning, William Cooper acted as Moderator until the Selectmen could be sum-

¹ Mass. Archives, XXV. 321.

² Boston Town Records, V. 211.

moned, they being then in consultation with the Lieutenant-Governor in the Council Chamber.

The minutes of the Tea Meetings¹ in 1773 are in the handwriting of William Cooper.

He was Secretary of the Committee of Safety,² Clerk of the Committee of Correspondence³ for Boston and Clerk also of the Boston Committee of Correspondence, Inspection, and Safety.⁴

The following is a copy of a Royalist Handbill⁵ which was distributed among the British soldiers in September, 1774. It is addressed "To the Officers and Soldiers of his Majesty's Troops in Boston."

"It being more than probable that the King's Standard will soon be erected, from rebellion breaking out in this province, its proper that you soldiers, should be acquainted with the authors thereof, and of all the misfortunes brought upon the province, the following is a list of them, viz. — Mess. Samuel Adams, James Bowdoin, Dr. Thomas Young, Dr. Benjamin Church, Capt. John Bradford, Josiah Quincy, Major Nathaniel Barber, William Molleneux, John Hancock, William Cooper, Dr. Chauncy, Dr. Cooper, Thomas Cushing, Joseph Greenleaf, and William Denning. The friends of your King and Country, and of America, hope and expect it from you soldiers, the instant rebellion happens, that you will put the above persons immediately to the sword, destroy their houses and plunder their effects; it is just they should be the first victims to the mischiefs they have brought upon us.

A Friend to Great Britain and America."

¹ These Minutes were printed in 1 Proc. Mass. Hist. Soc., XX. 10, from papers belonging to the Overseers of the Poor of the City of Boston.

² The Committee of Safety was chosen October 27, 1774, by the Provincial Congress. (Journal of the Provincial Congress, 35.)

³ The Committee of Correspondence was appointed in town meeting November 2, 1772, on motion of Samuel Adams. (Boston Town Records, V. 373.)

⁴ Boston Town Records, VI. 44.

The Records of the Boston Committee of Correspondence, Inspection, and Safety from May to November, 1776, have been printed in the New England Historical and Genealogical Register, XXX. 380, 441; XXXI. 31, 290; XXXII. 44; XXXIII. 23; XXXIV. 14, 167, 251. The Resolve of the General Court authorizing its election was passed February 13, 1776. William Cooper was chosen Clerk of this Committee May 21, 1776.

At a town meeting held in Boston August 29, 1776 (Boston Town Records, VI. 62) ten new members were elected "in the Room of those who have resigned, or look'd upon by the Town, as ceasing to be Members of said Committee, since their being chose Representatives," William Cooper being one of those whose places on the Committee were thus filled.

⁵ New England Historical and Genealogical Register, XXI. 60.

The last Boston town meeting¹ of which we have any record, before the siege, was held in Faneuil Hall, April 3, 1775. After disposing of certain matters, it was adjourned to April 17th, but there is no record of this adjourned meeting.

The Selectmen,² however, met on April 19th, — the day of the battle of Lexington, — but their records also end abruptly, and there is no official account of their proceedings.

No town meetings were held in Boston during the siege. There is a gap in the Town Records.³ The civil government came to an end. The Town Clerk left the town and cast in his lot with the Revolutionary party.

But the Provincial Congress sitting at Watertown passed a resolve⁴ July 5, 1775, directing William Cooper, Town Clerk of Boston, to notify the freeholders and others who were inhabitants of Boston, but were then dispersed, to meet at the Meeting House in Concord, on the 18th day of July, to choose a representative to a Great and General Court to be convened in Watertown July 19, 1775, "as the choice of representatives for that purpose, in legal town meeting, convened, in the common and ordinary way, is, at present, utterly impracticable," it appearing to this Congress that "the good people of the town of Boston, though at present in a dispersed state" should be represented in that Assembly.

Notifications of this meeting signed by "William Cooper Town Clerk of Boston" were printed in the newspapers outside of Boston. The Boston News Letter, that staunch supporter of the Government, in its issue of July 13, 1775, thus comments on one of these notices: —

¹ Boston Town Records, VI. 30.

² Boston Selectmen's Minutes, XV. 89.

³ The Boston Gazette of June 26, 1775, printed at Watertown, has an "*authenticated Copy of the Agreement between General Gage and the Town of Boston*," a report of the proceedings at a meeting of the inhabitants held April 22, 1775, — three days after the battle of Lexington, — but there is no official record of such a meeting. Henry Alline, Junr., who was afterward Register of Deeds for the County of Suffolk, acted on this occasion as Town Clerk pro tempore. After several adjournments of this meeting the inhabitants having delivered up their arms, General Gage finally issued an order allowing such of them as were so inclined to remove from the town with their families and effects. This order bears date April 27, 1775. A list of the names of those "who lodge their Arms with the Selectmen," in accordance with this agreement, "& also of the Number by each delivered," may be found in the Report of the Record Commissioners (XXIX. 321). See also Memorial History of Boston, III. 76.

⁴ Journal of the Provincial Congress, 450.

"Some have been wondering of late at the peaceableness of this Town; it is to be hoped that their surprize will now cease, when they find that Mr. Cooper, and the rest of our Town-meeting folks have adjourned [*sic*] to Concord."

After the General Court met at Watertown, "the dispers'd Inhabitants of Boston" were again called upon to choose a Representative to that body, for the remainder of the session, in place of Samuel Adams, who had been elected to the Council.¹ And they were "notified and warned" in a notice dated Watertown, August 25, 1775, signed "*WILLIAM COOPER, Town-Clerk of Boston*" and published as the former notice had been, "to assemble at the Meeting House in Watertown" September 5, 1775, for that purpose.

The result of this election was that William Cooper was declared chosen a Representative from the Town of Boston.²

It does not appear how many alleged inhabitants of Boston took part in these out-of-town meetings; but inasmuch as the civilian population, shut up within the town, is said to have been at the beginning of the siege 6573, we may safely assume that these ambulant "town meetings," outside the lines, were far from being formidable in point of numbers. They seem, however, to have answered the purpose of their ingenious inventors and promoters.³

Having in this way become a member of a House of Representatives, so constituted, William Cooper speedily began to take a prominent part in its deliberations. He was chosen,

¹ Journal of the House of Representatives, 95, 97, August 22, 23, 1775; Massachusetts Spy, August 30, 1775; Boston Gazette (printed at Watertown), September 4, 1775.

² Journal of the House of Representatives, 107; Boston Gazette (printed at Watertown), September 11, 1775.

³ Other so-called "town meetings" for the Town of Boston were held in Watertown, during the siege, from time to time, when it suited the interests of their promoters, notices of them appearing in the newspapers of the day and an "audience of supposable Bostonians" at "Watertown Meeting House" March 5, 1776, listened to the "spirited Oration" of the Rev. Peter Thacher on the "Horrid Massacre of the 5th of March 1770," and it was "received by them with the greatest Applause." A record of this last meeting, however, which was styled a "Meeting of the Freeholders & other Inhabitants of the Town of Boston, at Watertown," is to be found in the Boston Town Records, VI. 33. See also Memorial History of Boston, III. 96 note; Boston Gazette (printed at Watertown) September 11, 1775, November 13, 1775, November 20, 1775; Massachusetts Spy, September 20, 1775, December 8, 1775, February 16, 1776; Boston News Letter, December 14, 1775; New England Chronicle, February 22, 1776.

September 29, 1775, its Speaker pro tempore,¹ and he was active on many of its Committees.

¹ Journal of the House of Representatives, 128; Boston Gazette (printed at Watertown), October 9, 1775.

Some of these committees were as follows:—

“To settle such Accounts of the Committee of Supplies, as yet remain unsettled.” (September 20, 1775, October 17, 1775. Journal of the House of Representatives, 108, 171.)

To bring in a bill for regulating the militia of the Colony. (September 23, 1775; December 5, 1775. *Ibid.*, 118, 16.)

He was chosen December 14, 1775, Chairman of the Committee of the whole House to consider the Militia Bill. (*Ibid.*, 42.) See also *Ibid.*, 159, 169, 236.

To consider the Resolve of Congress forbidding the Sale of English Goods after October 10 next. (September 27, 1775. *Ibid.*, 121.)

To consider the expediency of fitting out a number of Armed Vessels. (September 28, 1775. *Ibid.*, 125.)

To examine the bonds of the Nantucket petitioners and see if they be sufficient. (September 29, 1775. *Ibid.*, 127.)

“To wait on his Excellency General *Washington*, and consult him on the Expediency of fitting out Armed Vessels, and to enquire if any Powder can be spared for that Purpose.” (September 29, 1775. *Ibid.*, 128.)

To “consider and report a proper Method wherein to bring Dr. *Church* before this House.” (October 17, 1775. *Ibid.*, 171.)

On “A Petition of *William Greenleaf*, in Behalf of the Overseers of the Poor of *Boston*, praying the Sum of *One Thousand Pounds*, to enable them to purchase Winter Stores for the Support of said Poor in *Salem Hospital*.” (October 20, 1775. *Ibid.*, 177.)

“To enquire into the State of the Treasury.” (October 21, 1775, December 5, 1775. *Ibid.*, 184, 16.)

For “selecting such Resolves of the Congresses of this Colony as are proper to be printed.” (October 23, 1775. *Ibid.*, 189.)

“To direct proper Refreshments for the Guards that shall attend Dr. *Church*.” (October 27, 1775. *Ibid.*, 200.)

“To wait on General *Washington* this Evening, and desire him to defer giving Orders” concerning obtaining Muster Rolls of the several Regiments raised by this Colony. (October 31, 1775. *Ibid.*, 215.)

“To bring in a Resolve to remedy the difficulty under which the County of *Suffolk* are labouring thro’ want of a Goal.” (November 9, 1775. *Ibid.*, 252.)

“To consider what Precautions are proper to be taken to prevent the spreading of the Small-Pox by Means of Persons coming out from the Town of *Boston*, and what Provision is requisite to be made for transporting into the Country such Persons as may come out, who are unable to transport themselves.” (November 10, 1775. *Ibid.*, 258.)

To procure a number of copies of the Resolve supplying the army with wood. (December 2, 1775. *Ibid.*, 11.)

“To bring in a Bill for the further Emission of Bills of public Credit.” (December 5, 1775. *Ibid.*, 16.)

He reported December 9, 1775, concerning “Plates for striking off a new Emission of Bills,” and he was ordered “to bring in a Resolve for agreeing with Mr. *Revere*.” Paul Revere had made a proposal for printing the bills. (*Ibid.*, 28; Mass. Archives, CXXXVIII. 271.)

“To take into Consideration the State of the Poor of *Boston*, lately come out,

At a Council held in Watertown, August 24, 1775,

and also a Letter from the Committee at *Point-Shirley*." (December 6, 1775. Journal of the House of Representatives, 17.)

"To take into Consideration the Conduct of Mr. *Rand* . . . a suspected Person." (December 8, 1775. *Ibid.*, 25.)

"To take into Consideration a Letter from *Thomas Crafts*, jun. informing that the Small-Pox has broke out in two Families that are brought out of *Boston*, and that they are in great need of Fire Wood." (December 11, 1775. *Ibid.*, 32.)

"To bring in a Resolve for the Purpose of establishing Committees of Correspondence in the several Towns in this Colony." (December 15, 1775. *Ibid.*, 45.)

"To consider a Letter from the Committee of the County of *Fairfax*, in *Virginia*, and a Letter from General *Washington*, inclosing it, relative to a Sum of Money sent to him for the suffering Poor of *Boston*." (December 16, 1775. *Ibid.*, 46.)

"To consider a meet Grant to the President of Harvard-College." (December 26, 1775. *Ibid.*, 75.)

"To bring in a Resolve for raising the Price of Hay." (January 15, 1776. *Ibid.*, 147.)

"To consider what further is necessary to be done for supplying the Army with Hay." (January 15, 1776. *Ibid.*, 148.)

"To consider the necessity of raising a Company of Matrosses to defend the Fortresses erected in the Town of *Marblehead*." (January 17, 1776. *Ibid.*, 162.)

To consider "a Resolution of the American Congress passed *January* 2d, 1776." (January 19, 1776. *Ibid.*, 175.)

"To confer with his Excellency General *Washington* at large, on the subject of raising a Regiment for reinforcing the Army in *Canada*." (January 20, 1776. *Ibid.*, 176.)

"To bring in a Resolve for raising the Regiment to go into *Canada*." (January 21, 1776. *Ibid.*, 178.)

"To Revise the several Resolves of this Court relative to Salt-Petre, and report what is proper further to be done." (January 22, 1776. *Ibid.*, 186.)

"To bring in a Bill for regulating the Commencement and Prosecution of Civil Actions." (January 29, 1776. *Ibid.*, 222.)

"To consider the State of the Ordnance, &c. at *Falmouth*." (February 7, 1776. *Ibid.*, 254.)

On the 18th of March, 1776, — the day after the evacuation of Boston by the Royal forces, — "the honorable *William Cooper*, Esq; Speaker pro. tem. being absent," the House appointed another to act in his stead.

"Mr. Speaker *Cooper*" and others were appointed a committee March 19, 1776, "to go into *Boston*, and make Enquiry into the State of that Town, with respect to the Small-Pox, to direct the removal of any infectious Persons, and to take such Measures to prevent the spreading of that Distemper as they may think proper." (*Ibid.*, 18.)

"Mr Speaker *Cooper*" was on the committee appointed March 23, 1776, "to provide a dinner for his Excellency General *Washington*, and the other General Officers, with their Suits, the Council, the Speaker, and the Ministers of *Boston*." (*Ibid.*, 36.)

"To repair to the Town of *Boston*, and there take, or cause to be taken, just and true Accounts of said Houses and Real Estates, Personal and other moveable Effects, the Property of the before-mentioned Mandamus Counsellors, and others, to commit the Charge and Care of said Estates and Effects to such suitable Persons as they may judge proper, and to make Report of their Proceedings hereon." (March 23, 1776. *Ibid.*, 37.)

"William Cooper was Nominated to be Register of Probate for the County of Suffolk to which Nomination his Majesty's Council did advise & consent."¹

He held this office until 1799 when he resigned and was succeeded by Perkins Nichols.²

At a Council³ held in Watertown September 8, 1775, "William Cooper Esq^r." was appointed a Justice of the Peace for Suffolk County.

The following letter⁴ from Thomas Cushing, the Revolutionist Judge of Probate,⁵ to William Cooper, dated Philadelphia, October 23, 1775, is of interest:—

"To lay before the Court a particular Sketch of the Harbour of *Boston*." (March 25, 1776. Journal of the House of Representatives, 40.)

"To repair to the Town of *Boston*, and to take or cause to be taken a just and true Inventory of all the Estates, . . . belonging to such Persons as have departed the said Town." (March 25, 1776. *Ibid.*, 40.)

"To wait on his Excellency General *Washington*, and request, as this Colony is greatly weakened by the Destruction of our Fortifications and warlike Stores by our Enemies, and will be more so on the removal of the Continental Army, as a large Proportion of the Men and Arms therein are from this Government, that he would further consider the exposed State of this Colony; and if it is consistent with the general Interest, he would continue here six Regiments of the Continental Troops, and two Companies of the Train of Artillery, for the Defence thereof, instead of the three or four Regiments his Excellency informed this Court he intended to leave." (March 25, 1776. *Ibid.*, 42.)

"To report a Form of Beating Orders and Inlisting Papers for the Regiment raised to fortify *Boston*." (April 10, 1776. *Ibid.*, 108.)

"To consider what Number of Artillery Men it is Expedient to raise for the Service of this Colony." (April 13, 1776. *Ibid.*, 120.)

"To bring in a Resolve for appointing a Committee of War." (April 29, 1776. *Ibid.*, 194.)

"To bring in a Resolve empowering of the Committee for fortifying *Boston*, to hire a further Number of Men, not exceeding two Hundred." (May 2, 1776. *Ibid.*, 237.)

To consider "sundry Matters proposed by the Committee for fortifying the Harbour of *Boston*." (May 4, 1776. *Ibid.*, 245.)

On the "Report of the Committee appointed to consider what is proper to be done to promote the raising Col. *Whitney's* Regiment." (May 4, 1776. *Ibid.*, 245.)

¹ Council Records, XVII. 43; Massachusetts Spy, October 20, 1775; Boston Gazette, October 9, 1775.

² Council Records XXXIII. 185, 190.

The Columbian Centinel of Wednesday, November 27, 1799, announces:—

"PERKINS NICHOLS, Esq. is appointed Register of Probate for the County of Suffolk, in the room of WM. COOPER, Esq. resigned."

³ Council Records, XVII. 90; Massachusetts Spy, October 13, 1775; Boston Gazette, October 2, 1775.

⁴ 4 Mass. Hist. Soc. Coll., IV. 364.

⁵ Thomas Cushing may be called the Revolutionist, to distinguish him from Foster Hutchinson, the Loyalist Judge of Probate. The Court House for the

"DEAR SIR, . . .

I am obliged to you for the inquiry you made at Dedham, for a house for me; should be glad to govern myself by the opinion of the County, as to the place of holding the probate, provided at this difficult time I can be accommodated with such a place as will be agreeable to them. If I had been so happy as to have seen you before I left Watertown, I doubt whether it would have been proper for me to have signed any blank letters of administration, or letters of guardianship, before I had my commission, and more than a month before, by law, I could have entered upon the discharge of the office I was appointed to; for, if you will recollect, you will find, that, by the law that was made by the General Court upon this occasion, none of the new appointments were to take place till after the 20 of September last. This matter I considered before I left Watertown, or else should certainly have seen you previous to my departure, and have signed the papers you mention, which I am sensible, could it have been done with any propriety, would have been for the ease of the County. I am much surprised that any persons among us should just now think of dividing the County, especially at this very critical time, when we have so many other matters of the greatest magnitude to engage our attention. Such a thing was never attempted in any other County, without first notifying every town in the County of such an intention. Can the inhabitants of Boston, (the shire town, whose interest it so nearly affects,) in their present distressed, dispersed state, attend to a question of such moment? Certainly not. And will the inhabitants of the other Towns in the County take the advantage of this their distress? or if they would, will the General Court attend to them at such a time? Certainly not. . . . I cannot as yet form any judgment when I shall be able to return. Many interesting and important matters demand my attention and presence here. As, therefore, I shall be necessarily detained here for some time,

County of Suffolk was in Boston, and there, in the care and custody of John Cotton, the Loyalist Register of Probate, were all the files and records of the Probate Court, and there they remained during the siege. After the death of the Loyalist Register, Judge Hutchinson took them into his own custody and, on the evacuation of Boston by the Royal forces, carried them with him to Halifax, where they were safely kept during the whole of the Revolutionary War.

Thomas Cushing, the Revolutionist Judge, and William Cooper, his Register, were both appointed August 24, 1775, at Watertown, by the "Major Part of the Council" styling themselves "His Majestys Council," "The Places of Governor and Lieutenant Governor being vacant." A foundation for these and other appointments had been in some sort laid by the passage by the same General Court which met at Watertown July 19, 1775, of an act for removing all officers, both civil and military belonging to the Colony of Massachusetts Bay claiming under any appointment by any Governor, Lieutenant Governor, &c, of the Province of Massachusetts Bay. All to cease and determine from the 19th Sept. 1775 next. (Chap. IV., Acts of 1775; Council Records, XVII. 43; Boston Gazette, October 9, 1775; Massachusetts Spy, October 20, 1775.)

I have no objection that, during my absence, you should take guardian and administration bonds, in particular cases, where you may find it necessary; and I doubt not you will take special care and caution, that in all such cases the bondsmen are good and sufficient. Let me know whether it is necessary for me to return home immediately. . . . I congratulate you upon your late promotion as Speaker. [When] my friend is honored and meets with the approbation of his countrymen, I partake of the pleasure, and am always highly gratified. . . .

THOMAS CUSHING.

The Honorable William Cooper, Esq."

The first town meeting¹ in Boston after the siege was held in the "Old Brick Meeting House," March 29, 1776, — just twelve days after the evacuation of the town by the Royal forces, — and William Cooper was again elected Town Clerk for the ensuing year.

At a town meeting² held in Boston, May 23, 1776, he was elected a Representative to the General Court. He was chosen July 4, 1776, Speaker pro tempore of the House,³ and he was a member of various committees.⁴

¹ Boston Town Records, VI. 35.

² *Ibid.*, VI. 48.

³ General Court Records, 145.

⁴ Among these committees were the following: —

To make plans for the seizure of "any Vessels belonging to the Enemy, that may be coming into, or may Arrive in the Harbor of Boston." (June 15, 1776. General Court Records, XXXV. 52.)

To bring in a new Bill for the omission of tendering the Declaration in the Test Act. (July 2, 1776. *Ibid.*, XXXV. 136.)

The House resolved July 4, 1776, that the "Committee for taking Inventories &c of the Estates within the Town of Boston, which have been left, or deserted by sundry Persons supposed to be inimical to the rights & Liberties of America, be, & they hereby are directed to make Sale of all Chaises & other Carriages belonging to such Estates, they first having the same appraised by the most suitable persons, & then advertizeing the same for Sale at such Appraisements, & all that may remain unsold at a day that said Comtee may appoint, shall then be advertiz'd to be Sold at public Vendue." (*Ibid.*, XXXV. 149.)

To confer upon a Resolve to write to Gen'l Washington about military matters. (July 5, 1776. *Ibid.*, XXXV. 153.)

July 8, 1776, Mr. Cooper being absent, another was chosen Speaker pro tempore in his place. (*Ibid.*, XXXV. 158.)

To confer "on the subject of permitting persons inimical to America to depart this State." (General Court Records, October 9, 1776, to February 6, 1777; November 21, 1776, p. 213.)

On the Resolve commanding "Naval Officers not to permit any vessel to depart this State with Provisions" except what may be necessary for her crew during the voyage. (December 2, 1776. *Ibid.*, 263.)

"To consider immediately, in what way most beneficial to the United States, to employ the troops of this, and the neighbouring Governments, that are on their

He had served on several committees of the town to commemorate the "Horrid Massacre" which was annually from 1771 to 1783, celebrated by an Oration, but at the town meeting¹ held in Faneuil Hall, Monday, March 5, 1783, and adjourned to the Old Brick Meeting House to hear the oration of Doctor Thomas Welch,

"The Town did not proceed as usual to the choice of a Committee to provide an Orator to deliver an Oration the 5th of March next"

William Cooper, the Town Clerk, having made a motion to substitute therefor a celebration of the 4th of July in each year. This motion was referred to a Committee to consider and report. Their report² which was read at a town meeting held March 25, 1783, was as follows:—

"Whereas the Annual Celebration of the Boston Massacre on the 5th of March 1770, by the Institution of a Publick Oration has been found to be of eminent Advantage to the Cause of America in disseminating the Principles of Virtue and Patriotism among her Citizens; And whereas the immediate Motives which induced the commemoration of that day, do *now* no longer exist in their primitive force; while the Benefits resulting from the Institution may and ought to be forever preserved; by exchanging that Anniversary for Another, the foundation of which will last as long as time endures. It is therefore Resolved, that the Celebration of the fifth of March from henceforwards shall cease; and that instead thereof the Anniversary of the 4th Day of July A. D. 1776 (a Day ever memorable in the Annals of this Country for the declaration of our Independence) shall be constantly celebrated by the Delivery of a Publick Oration, in such place as the Town shall determine to be most convenient for the purpose — In which the Orator shall consider the *feelings, manners & principles* which led to this great National Event as well as the important and *happy* EFFECTS whether general or domestick, which already have, and will forever continue to flow from this Auspicious Epoch."

This report was accepted by the town, and Dr. John Warren delivered the first of these orations. From 1789 to 1809, march to New York; and those that are ready to march." (December 30, 1776. General Court Records, 390.)

To "confer with Commodore Manly, Capt Mc Niel, and the Commanders of other Continental and Colonial vessels." (General Court Records, February 7, 1777, to October 25, 1777; April 17, 1777, p. 268.)

To consider how to better the "execution" of "the Laws of this State." (April 19, 1777. *Ibid.*, 289.)

¹ Boston Town Records, VII. 192, 196.

² *Ibid.*, VII. 225.

the year of his death, William Cooper was annually chosen moderator of the meeting called to celebrate in this manner the anniversary of the 4th day of July, 1776.

He lived in Hanover Street for many years, and in the returns made for Boston, in accordance with the Direct Tax of 1798, levied by the United States (Record Commissioners' Report, XXII. 298), the house is thus described:—

"INCREASE SUMNER, owner; William Cooper, occupier; brick dwelling; West on Hanover Street; North on Mrs. Hixon; South on Ins. Sumner; Kitchen, 320 square feet; 2 stories, 5 windows; brick.

Land, 1,718 square feet; house, 800 square feet; 3 stories, 22 windows; Value, 4,500."

The Independent Chronicle of Wednesday, November 29, 1809, makes this announcement:—

"Last evening departed this life, after a short illness, the venerable WILLIAM COOPER, Esq. aged 88 years, deeply lamented by his numerous connections and friends, and by the citizens of his native town generally. As the first testimony of respect, his death was announced by the tolling of all the bells in the town. His character will hereafter be delineated by some person fully acquainted with its merits: at present it becomes us only to state, that he has been honored with the suffrages of his fellow citizens as Town Clerk forty-nine years successively, and it is worthy of remark, that during the whole of that time he was never absent from his duty at a Town Meeting."

The Chronicle of Monday, December 4, 1809, gives this account of his funeral:¹—

"On Saturday last, the remains of that venerable patriot and pious man WILLIAM COOPER, Esq were interred in the family vault in the Granary Burying Ground, agreeably to the arrangements of the Selectmen of the town. The procession was lengthy and respectable, consisting of the principal public Officers of the town, country, state, and U. States, & a large number of his fellow-citizens, who entertained a respectful sense of his long and faithful services, and were impressed with a grateful remembrance of his patriotic virtues."

The Boston Patriot of December 6, 1809, contains the following obituary notice:—

"On Tuesday, Nov. 28th, the venerable WILLIAM COOPER, in the 88th year of his age, resigned himself into the bosom of his

¹ The Selectmen, November 29, 1809, appointed a committee to make arrangements for his funeral. (Boston Selectmen's Minutes, 438.)

Father and his God. He was born in the year 1722, of respectable parents, no doubt, for his manners and education ever marked him the gentleman;—and the worthy brother of the late celebrated Samuel Cooper, D. D.

Mr. William Cooper was bred a merchant, and in the early part of his life was one of the Representatives from Boston. He was for a long series of years Register of the Probate Court for Suffolk under every form of government that has been experienced in Massachusetts since his birth. He united to a competent degree of assiduity and intelligence in business a suavity of manners and a quick discernment of the characters of those with whom he had to do. The peculiar temperament of his mind and manners enabled him to glide smoothly down the stream of life;—to be happy in himself, and never fail to afford satisfaction to those around him.

He was very active and ardent in the early stage of the American revolution; and although he was not one of those master minds that are formed to move the universe, yet he was a co-operator with James Otis, Samuel Adams, Joseph Warren, John Adams and James Warren; was perfectly in their confidence and esteem, and a constant attendant on all their meetings, both in public and in private.

Mr. Cooper was one of the *Boston board of safety* during the war; and officiated as its Secretary.

In 1760, when Mr. Cooper was about 38 years of age, he was chosen Town Clerk of Boston. In that respectable annual office he has continued uninterruptedly till the day of his death. This circumstance is a very just criterion whereby to judge of his integrity, his intelligence, industry, and deportment, towards his fellow citizens.

Like the venerable Judge Cushing Mr. Cooper has lived through all changes of political times and seasons, without ever losing either his place; or the good opinion of those who bestowed it—and without any change of principles.

Mr. Cooper was a decided Republican. His most happy and active days were spent in arranging the preliminary scenes of the revolution. Had he lived to the age of Nestor he would never have ceased to be a friend of liberty and the rights of man; yet if all men were like him (judging from what we have seen of him in the decline of life) we venture to assert there would be no such thing as party. He never concealed, he never could conceal his sentiments; yet we believe he never obtruded them in any time, place or manner, wherein they could give offence, or fail to have their intended good effect.

His remarkable health and long life indicate that he was born with a fine constitution, which he never injured, by any irregular habit. In him we have witnessed a man whose age, usefulness and good temper made him truly honorable. He seemed to be a stranger to that

decrepitude and petulance which often destroys the dignity of years. He seems ever to have improved his talents to the best advantage; and to have lived and died a model for all good men."

He died intestate, and administration on his estate was granted January 8, 1810, to his son "John Cooper Esquire of Machias."

He married in Boston April 25, 1745, Katharine, daughter of Jacob Wendell.

He had a large family of children, seventeen in number. But it is worthy of note — and it is a striking commentary on the condition of the Boston Records — that notwithstanding he was himself Town Clerk for so many years, the births of none of his children are recorded in the Town Records, although no fewer than six of them were born during his own term of office.

A Town Clerk who neglected to record the births of his own children could hardly be expected to show much concern for those of his fellow townsmen.

William Cooper's colleague in the Probate Office was John Cotton. They were friends and near neighbors. They lived within a stone's throw of each other. William Cooper must have had personal knowledge of all that happened in the Cotton family. Its joys and its sorrows could not have remained unknown to him. John Cotton was the father of eleven children. Eight of them were born, and all but one of them died, while William Cooper held the office of Town Clerk. Yet only the birth of one of these eleven children is to be found of record. The others have no official existence on the Town Clerk's books.

These meagre records of the Cotton and Cooper families are only two of a large number of instances of this neglect. They can be multiplied indefinitely. They are only two counts in the indictment. The same proportion holds good in the case of nearly all Boston families.

William Cooper cannot of course be charged with the shortcomings of his predecessors or his successors. But inasmuch as he held the office of Town Clerk for nearly half a century, his sins of omission are largely responsible for the deplorable deficiencies of the Boston Records.

Boston is the despair of the genealogist. It is practically impossible to compile complete and satisfactory family histories

of our old Boston families. Indeed, it is only during the latter half of the century which has just drawn to its close that any systematic or intelligent attempt has been made to record Boston births, marriages, and deaths.

Prior to that time probably not one in a dozen of the births, with deaths in a still smaller proportion, can be found of record, while perhaps fully a third of the marriages are missing.

The Boston records are in painful contrast to those of the other towns of Massachusetts. Their records have in general been kept with great care and are reasonably complete.

The record of the town meeting¹ held March 11, 1765, is strangely silent as to the choice of a Town Clerk for the ensuing year. Although William Cooper himself was undoubtedly on that day elected to this important office, he singularly enough neglected to make any record of the fact, and there exists no official account of the action of the town in that regard.

THE REGISTRY OF PROBATE.

The first Town House in Boston stood where now stands the Old State House. The expense of its erection was borne partly by the legacy left by Captain Robert Keayne for that purpose, and partly by subscriptions made by other public-spirited inhabitants.

The General Court,² in making an allowance to the Town toward the cost of the edifice, stipulated

“that sufficient roomes in the said house shall be for euer free, for the keeping of all Courts.”

This first Town House was destroyed by fire in 1711, and the second Town House — the present Old State House — “for the Province, County & Town,” was erected on its site.

The Boston Weekly News-Letter of March 19, 1730, makes this announcement: —

“These may Notifie all Persons within the County of Suffolk, that in Consideration of the Small Pox being now in Boston, and for the benefit and safety of those living in the Country, The Hon. Josiah Willard Esq; Judge of the Probates of Wills, &c. for the said County intends to hold

¹ Boston Town Records, IV. 613. See, however, the Boston News Letter of March 14, 1765.

² Mass. Col. Rec., IV. Part 1, 327.

his Court at Mr. Rogers's the Sign of the George near Roxbury, the last Monday in the Month, from Half an Hour after Nine in the Morning, to Half an Hour after Twelve.

*By Order of his Honour the Judge,
John Boydell, Reg."*

The Boston News-Letter of October 8, 1730, contains the following notice:—

"These may Inform all Persons within the County of Suffolk, That the Honourable Josiah Willard Esq; Judge of Probates for said County, will (for the future) hold his Court at his Own House in Boston every Monday as usual.

By Order of the said Judge. J. Boydell, Reg."

On Wednesday, December 9, 1747, this second Town House very narrowly escaped the fate of its predecessor. Only its substantial brick walls saved it from total destruction.

"Yesterday Morning between 6 & 7 o'Clock we were exceedingly surprised by a most terrible Fire, which broke out at the Court House in this Town, whereby that spacious and beautiful Building, except the bare outward Walls, was entirely destroyed."¹ "But the County Records, and Papers belonging to the Inferiour Court, being deposited in an Office upon the lower Floor, were most of 'em preserved."²

The General Court,³ March 9, 1747/8,

"Voted that the late Court House in the Town of Boston be Repaired as soon as conveniently may be,"

and apportioned the cost to the Province, the County of Suffolk, and the Town of Boston.

The inhabitants of Boston being aggrieved at this apportionment at a town meeting January 7, 1750/1, voted to petition the General Court for relief,⁴ alleging as follows:—

"And your Memorialist accordingly Represent that it appears probable from the ancient Records of the Town that about the Year 1637 a House was built on the Towns Land for the immediate Use and Service of the Town, & that the Charge thereof was born by a Subscription of the Inhabitants — It further appears from the Province Law made in the

¹ Boston News Letter of December 10, 1747. See also Boston Gazette of December 15, 1747.

² Boston Evening Post of December 14, 1747.

³ Mass. Archives, XLIX. 211, 212, 213.

⁴ Boston Town Records, IV. 241-244.

year 1693. that the said House had some time before been made use of both by the Province and County as well as by the Town . . . In the Year 1711, by the Providence of God the said House was Consumed by Fire . . . The Town being then destitute of any House for publick Meetings, and other publick uses, agreed to the proposals made by the General Court . . . for rebuilding said House, and upon the Proportion which the Town should bear of the Charge thereof . . . But it pleas'd God in his providence in the month of December 1747. to Suffer the Town-house to be again Consumed by Fire, and this while in the immediate use and Service of the General Court ;”

all the papers and records of the town having been removed in October, 1742, to the commodious building erected by Peter Faneuil for the town ; the rooms in the Town House which had been appropriated to the use of the town having been, on such removal, occupied by the General Court and the town excluded from any benefit thereof.

“ . . . Must it not then appear to your Honours a much greater hardship that the Town should be held to pay more than their proportion in common with the rest of the Province for the Charge of building a House, which they have no manner of Use and Occasion for & when those Rooms the Town formerly had in it for several years past have still been and still are wholly Improved by the Province.

Your Memorialists could Enlarge upon the unequal Proportion they Imagine they Pay to the Province Tax upon the Decrease of the Polls, Buildings and other Estate of the Town, and the declining State of their Trade, but they humbly Apprehend that without this, your Honours will be Induc'd to think favourably of this their Application, and that you will not Suffer the aforesaid Vote by which they apprehend themselves to be aggrieved, to take Effect, or that you will otherwise relieve them, as to your Wisdom shall seem meet.”

But the General Court¹ seems to have been deaf to this appeal.

The Probate Office was then in Pudding Lane, now Devonshire Street.

In the Boston Weekly News Letter of Thursday, April 16, 1752, there appears this notice : —

“ THE Records of the Court of Probate, &c. for the County of *Suffolk* are remov'd to the House of *Robert Spur*, Esq ; in *Dorchester*, where the Judge will hold a Court every Friday, from Nine to One

¹ General Court Records, XIX. 337.

o'Clock, until further publick Notice : and he proposes to Act upon such Business as the Inhabitants of the Country Towns are concern'd in on *Friday* next, and upon such Business as the Inhabitants of *Boston* are concern'd in, the *Friday* next after, and so alternately, to prevent, as far as may be, the Small-Pox being communicated from the Town to the Country. And the Inhabitants of the Town of *Boston* are desired to use all possible Precaution against bringing the Infection in their Apparel, Papers, or by any other Means, as one of the Officers of the Court is liable to the Distemper."

"As no Probate Business has been done in the said County for several weeks past, a Court will be held for the Inhabitants of *Boston*, on *Tuesday* next, but from thence forward on no other Day than *Friday*."

The Boston Weekly News Letter of Thursday, September 21, 1752, contains the following : —

"We are desired to inform the Publick, That the Records of the Probate-Office for the County of *Suffolk*, will be this Week remov'd from *Dorchester*, to the Office in Pudding-Lane in Boston, where they were formerly kept ; and the Judge will hold his Court there, on *Friday* next from Nine o'clock in the Morning until One, and so on every *Friday* until further Publick Notice."

The condition of the Probate Records at this time may be learned from the following memorial¹ of Judge Hutchinson, who afterward became Governor Hutchinson : —

"To the honourable Spencer Phipps Esq L^t Governour & Comander in chief & the honourable his Majestys Council of the Province of the Massachusetts bay

The Memorial of Thomas Hutchinson Esq Judge of the Probate of Wills &c^e for the County of Suffolk, humbly sheweth,

That upon your Memorialist entring upon the aforesaid Office he made enquiry into the state of the Records & Files and found that from some time in the year 1720 until some time in the year 1723 there are no authentick Records in any Book but part of the business of the Office during that term is copied on sheets of paper and about one half of said business lyes in the Original papers on file & have never been copied or Registered into any book or on Sheets of paper Your Memorialist apprehends it very unsafe for the County that the papers should remain in this state. Enquiry has already been made by an Executor to a Will proved during that Time for a Copy thereof but the Original cannot be found and there is danger that the Settlement of many Es-

¹ Mass. Archives, XVIII. 874; Council Records, XII. 261.

tates may be affected by this neglect. And as the several Probate Offices and what relates to them are subject to the direction of your Honour & the Honourable Board, your Memorialist therefore prays that such Order may pass in this Affair as to your Wisdom shall seem meet and as in duty bound shall ever pray &c^a

THO HUTCHINSON

MILTON 27 June 1752 "

At a Council held at the College Library in Cambridge June 27, 1752, "Read and Ordered That the Memorialist cause the several Papers mentioned in the Memorial to be recorded as soon as may be, and the further consideration of the memorial is referred till that be effected."

The Act¹ passed by the General Court in 1754, to enable John Payne, a clerk in the Probate Office, to attest the records from February 17, 1743, until February 1, 1754, they not having been, during all that time, attested by the Register of Probate as required by law, has already been cited.

The Records of the Court of General Sessions,² under date of November 7, 1752, contain the following:—

"The Petition of Andrew Belcher Esq^r Register of the Court of Probate as entred in January last Setting forth that the Records of the Probate office are kept in a place which has twice taken fire not owing to any Carelessness of the officer and therefore pray'd the Consideration of the Court; Whereupon the Court appointed Abiel Walley, Thomas Hubbard & John Philips Esq^{rs} a Committee to take the Petition aforesaid into Consideration and Report to the Court which they have Accordingly done as is Set forth in their Report which the Court accepted off and thereupon appointed the aforesaid Committee to provide a Suitable place in order to lodge the Records of the Probate office in at the charge of the County."

This was followed, January 1, 1754, by the memorial³ of the Judge of Probate:—

"The Memorial of Thomas Hutchinson Esq^r Judge of the Probate of Wills & granting Administration &c. for the County aforesaid, Setting forth to this Court

That the Reccords of the probate office for s^d County are now & for many years past have been kept in a room not only Inconvenient for an office & holding Courts of Probate but extreemly unsafe, & exposed

¹ Acts of 1754-5, Chap. 2; Mass. Archives, XIX. 152; *ante*, p. 70.

² Minute Book of the Court of General Sessions of the Peace, II.

³ *Ibid.*, II.

to the Damage of fire he apprehending that with the expence of about one hundred and twenty or thirty pounds lawfull money a Convenient brick building might be erected on the County Land by the prison in the Town of Boston a room of about 20. or 22 feet square will be sufficiently large, and will be much Safer, than if there are any Other Rooms over it or contiguous to it. And he prays the Consideration of this Honb^{le} Court, &c.”

The Committee appointed by the Court on this memorial

“reported [January 28, 1754] that they had Viewed the Land in s^d Mem^o mention’d, & were of Opinion that a Convenient Brick Building for the Probate office might be Erected in the front of said Land adjoining to the County Goal, & thereupon It is Ordered that John Fayrweather, Joshua Winslow & Joseph Dowse Esq^{rs} be & they hereby are appointed a Com^{tee} to Erect a Brick Building on said Land for an office for the Judge of Probate for this County, & that they do it in the most convenient manner, & at the cheapest Rate they can.”¹

This Committee erected on Queen Street, now Court Street, a brick building for the Probate Office. It was ready for occupancy, December 3, 1754, for on that day

“John Fayrweather Joshua Winslow & Joseph Dowse Esq^{rs} a Committee appointed by this Court to Erect an office for the Judge of Probate for this County, reported that they had built said office, & the same was now Completed.”²

But the new Probate Office proved far from satisfactory, as appears from the Report and Order³ made May 14, 1756, on a petition of the Registers of Probate:—

“The Petition of John Payne and John Cotton Registers of the Court of Probate, for the County of Suffolk—Setting forth That the

¹ Minute Book of the Court of General Sessions of the Peace, II.

² *Ibid.*, III.

The Court ordered payment to several persons named in the account of the Committee, among others to Alexander Young, “for Liquor deld Masons Carpenters, &c” £1. 8. 2.

³ *Ibid.*, III.

The Boston News Letter of March 15, 1764, contains the following notice:—

“The Judge of Probate for the County of *Suffolk*, intends to hold a Court at his House in Milton. every Monday in the Forenoon whilst the Small-Pox continues in the Town of *Boston*.”

The official Report on the Small Pox, printed in the Boston News Letter of July 5, 1764, shows that 1,537 persons removed into the Country to escape infection.

Walls of the office of said Court were so damp that your Petitioners apprehend they Endanger their health thereby and that the papers & Reccords of said Office are very much exposed to the dust and Rot more especially since they have made use of Sea Coal firing, they further beg Leave to Represent to this Court that they are nat Considerable expence in providing Coals which they humbly apprehend ought to be a County Charge, and are Informed is so with Regard to the Clerks office of the Court of the Court of General Sessions of the peace for the s^d County and Your petitioners would hope that they are equally Entitled thereto, and therefore prayd that the Court wou'd have Consideration thereof, Which Pettⁿ was Preferd to the Court in January last, at Which time Joshua Winslow and Joseph Dowse Esq^{rs} were appointed a Committee to make Enquiry into the Necessity thereof, & make report to the next Court. Which they have accordingly done, in the Words following

We the Subscribers being appointed to View the office within mentioned are of Opinion that it Would be of Service to have Glass doors placed before the Books and papers, also to have the lower part of the Wall lin'd with Boards, also some alteration in the Chimney. Which Report after being Read to the Court Was Accepted by them, And Joshua Winslow and Joseph Dowse Esq^{rs} are desired to see that the Severall things Reported, be done."

The Records of the Court of General Sessions under date of January 26, 1768, show the following petition: ¹—

"The Petition of Sundry Inhabitants of the Town of Boston, praying that the wooden Shop adjoining to the Probate Office in Queen Street may be removed, they apprehending said Office to be much endanger'd by Fire, in case said Shop is suffer'd to remain there any longer. It is thereupon Order'd that the Sheriff of this County take care that said Shop be immediately taken down, or removed to some other place distant from said office."

As early as July 30, 1765, the Court of Sessions had appointed a committee to consider the expediency of building a new Court House and a new Jail.² The Jail was "begun the

¹ Minute Book of the Court of General Sessions of the Peace, IV.

² *Ibid.*, IV.

It was while the Probate Records were kept in the Brick Probate Office in Queen Street that the Stamp Act was passed.

These records, during the disgraceful riot of August 26, 1765, fortunately escaped the fate which befell the records and files of the Court of Vice-Admiralty, which, in part at least, were committed to the flames by the drunken mob in the attack made on the house of William Story, the Deputy Register of that Court. Swollen in numbers and "ripened in ebriety and madness," after plun-

twelfth day of August 1766, and finish'd the twenty first of March 1767."

dering the house of Benjamin Hallowell Jr., the Comptroller of the Customs, and consuming the contents of his wine cellar, the rioters "with intoxicated rage" next fell upon the house of Thomas Hutchinson, Lieutenant Governor and Judge of Probate, demolishing every part of it except the walls. The wanton destruction of his large and valuable collection of manuscripts and papers, public and private, relating to the history of the colony from the first settlement — the accumulation of a lifetime and the only one of its kind — was a great and irretrievable loss, the extent of which can hardly be estimated.

In connection with this subject, the following letter is of interest and may properly claim to find here a place. Judge Hutchinson, writing to William Bollen under date of Boston, December 20, 1765, says: —

"D^r S^r

I thank you for your intell. by Scott The inclosed paper will surprize you. Affairs grow worse & worse I came to town to day uncertain whether I should not be obliged to go aboard this ship to avoid the like dishonorary submissions If something is not done that y^e law may have its course I fear there will be a general overturn & confusion. It would be as much as a mans life is worth to touch a stamp if it was in his power to come at them.

The only post of safety is a private station

I shall inclose a rough draft of past proceedings because being from home I cannot have it transcribed

I am y^r humble

Dec 21 I have resigned my office of Judge of Probate to prevent a demand of proceeding in a way in wh^{ch} I am not yet convinced the necessity of aff will justify, the governor refuses to accept my Resignation, some expedient is projecting I had an intimation of a design to compel me from particular prsons I mean to compel me to proceed without stamps." (Mass. Archives, XXV. 22.)

The following is from the Council Records under date of December 21, 1765: —

"The Hon^{ble} Thomas Hutchinson Esq^r Judge of Probate for the County of Suffolk, having made a motion to His Excellency in Council, that for some peculiar reasons he had mentioned, for leave to resign the Office of Judge of Probate absolutely or for a limited time, as should be judged best, and it being thereupon moved to the Council he might be permitted to make a Deputation to some person to act in the Office for a term not exceeding a year.

The said Motion was approved of, & advised to by the Board, provided that such Deputy shall be approved of at the next General Council appointed to be held on Wednesday the 1st day of January next." (Council Records, XVI. 78.)

The Boston News Letter of December 26, 1765, says: —

"We hear that on Saturday last his Honour the Lieutenant Governor desired Leave from his Excellency the Governor, in Council, to resign the Office of Judge of Probate for the County of Suffolk, either absolutely or for a limited Time."

At a meeting of the Council held January 1, 1766, final action was taken:

"The Governor and Council on the 21st day of December last having on the Motion of the Honorable Thomas Hutchinson Esq^r Judge of Probate of Wills &c for the County of Suffolk, allowed the said Judge to make a Deputation to a person to act in the said Office for a term not exceeding one year, provided such Deputy should be approved of at the General Council appointed to be held as on this day. And the said Judge being now present in Council and desiring that instead of his making a Deputation as aforesaid, His Excellency would with the

On the completion of the Jail, the Court turned its attention to the subject of a new Court House,¹ and on May 4, 1768,

“Order’d that the Brick Building Erected a few years since on the Land belonging to the County near the Goal in Boston, for an Office for the Court of Probate, be taken down, for the better Accommodation & Convenience of A New Court house — . . .

Order’d that a New Courthouse within the Town of Boston, for the Several Courts of Justice to Sit in, be Erected . . . on the Lands belonging to the County in Queen Street in Boston (on part whereof the old stone Gaol lately stood) . . . that on the lower Floor of said Building, s^d Committee Assign & Sett off such parts of it, for the Probate Office, for the Register of Deeds, & for the Clerks of the

Advice of the Council appoint some person for the term aforesaid. His Excellency did thereupon nominate Foster Hutchinson Esq^r to be special Judge of the Probate of Wills &c for the County of Suffolk during the absence of the said Judge, and for a term not exceeding a year. To which Appointment, as aforesaid, the Council did Advise and Consent.” (Council Records, XVI. 81.)

Judge Hutchinson, under date of January 2, 1766, thus refers to this appointment:—

“ . . . I have held a place of about 60£ a year for a dozen years past Judge of Prob. for this county. The town of Boston alone at their meetings insisted that I should proceed without stamps & prayed the gov & council to direct me with the courts of common law so to do. I was determined not to comply but at a loss how to secure my self. In this state two of my friends who have always been watchful for my safety came to me and assured me further violence was just at hand & they could not say to what length it would be carried, unless I complied, left the Prov. or resigned my post & they were not sure the latter would be satisfactory. I pitched upon that however upon mentioning it to the gov. he thought he could not appoint a successor without a stamp & proposed my making a deputy I did not like this & upon further considering the act it was agreed a person might be appointed in my stead for a term not exceeding 12 months. I made my proposed voy^e to Engl^d the principal reason for my resigning & no great exception has been taken.” (Mass. Archives, XXVI. 193.)

The Boston News Letter of January 2, 1766, makes this announcement:—

“We hear that FOSTER HUTCHINSON, Esq; is appointed Special Judge of Probate for the County of Suffolk, during the Absence of His Honour the Lieutenant-Governour, not exceeding the Term of Twelve Months.”

When the Stamp Act went into operation, the people generally refused to buy or use stamps, business was paralyzed, and the provincial courts were closed. This sullen determination had at last its effect, and the Freeholders and others, assembled in Town Meeting December 26, 1765 (Boston Town Records, IV. 671), were assured “that the Courts of Probate within the Province would be opened; that the Sheriff of the County of Suffolk had served and was ready to serve all Writts brought to him, and that the Court of Common Pleas for said County next in course to sit, would meet & proceed to Business.” At an adjourned Town Meeting held January 16, 1766, it was announced that “the Inferior Court of Common Pleas for the County together with the Court of Probate is now open and Business going on as usual.” Two months later, the Act was repealed.

¹ Minute Book of the Court of General Sessions of the Peace, IV.

Court of General Sessions of the peace, & Court of Common pleas, as they shall Judge to be necessary & convenient for their respective offices."

This Court House, which is described as "an handsome Brick Building," was finished early in the following year, the first session of the Court of General Sessions being held in it April 18, 1769.

The Probate Records were however already installed there, as appears from the following notice in the Massachusetts Gazette of March 9, 1769:—

"The Probate Office for the County of *Suffolk*, is now kept in the new Court House, *Boston*."

But not long after its establishment there, Thomas Hutchinson—to whose efforts the erection of this "handsome Brick Building" was so largely due—who had been Judge of Probate for the County of Suffolk since April 3, 1752, except during the Stamp Act troubles, resigned and was succeeded August 3, 1769, by his brother Foster Hutchinson, the last Judge of Probate to hold that office under the appointment of a Royal Governor.

Foster Hutchinson, the new Judge, was likewise a Loyalist. During the siege of Boston the Records and Files of the Probate Court were kept in the new Court House in Queen Street, in the care and custody of John Cotton, the Loyalist Register of Probate.¹ After his death Judge Hutchinson took them

¹ See *ante*, p. 98.

Thomas Cushing, the Revolutionist Judge of Probate (see *ante*, p. 97), held a Probate Court during the siege outside the lines, as appears from the following notice:—

"County of *Suffolk*, January 22 1776

PUBLIC NOTICE is hereby given, that it is intended a court for the Probate of Wills, &c. shall be held at Dedham, in the said county, at the public house kept by Mr Woodward, on the first Monday of February next, and if that day should not be sufficient, on the day following and the like in each of the following months, until public notice is given to the contrary." (The Boston Gazette [printed at Watertown] Monday, January 29, 1776.)

After the evacuation of Boston the Probate Court was again held in the Court House in Queen Street.

"The Public are hereby notified that a Court of Probate will be held at the Probate Office at Boston, on every second and fourth Monday in this and the ensuing Months, until further Notice." (The Boston Gazette, printed at Watertown, June 17, 1776.)

"December 2, 1776

ALL concerned, are hereby Notified, That the Courts of Probate for the County of Suffolk, will, for the future, be held at the Probate-Office in Boston, on

into his own custody, and on the evacuation of Boston by the Royal forces carried them with him to Halifax.

After the siege, when the inhabitants had begun to resume their usual occupations and had returned to their ordinary ways of life, the loss of these records began to be severely felt, and many difficulties arose in the settlement of estates of deceased persons.¹

Fridays at Ten o' Clock in the Forenoon." (The Boston Gazette, printed at Boston, December 16, 1776.)

The Boston Gazette of Monday, March 12, 1781, contains the following notice:—

"BOSTON, March 10, 1781

The Judge of Probate for the County of Suffolk, agreeable to a Resolve of the General Court, passed the 13th of November 1780, informs the County, that he shall hold his Court of Probate in the Town of Medfield, on the First Tuesday of next April, June, August, October and December: And at the House of Capt. Arnold, in the Town of Weymouth, on the First Tuesday of next May, July, September and November: And at the Probate Office in the Town of Boston, every Tuesday excepting the First of each Month."

The County of Norfolk was set off from the County of Suffolk March 26, 1793. Since that time the Probate Courts for the County of Suffolk have been held in Boston.

The county of Suffolk now consists of the city of Boston, the city of Chelsea, and the towns of Revere and Winthrop.

¹ In some instances it became absolutely necessary, even in the midst of the Revolutionary War, to obtain from Judge Hutchinson copies of certain of the papers and records then in his hands at Halifax. He seems to have offered no objection to this proceeding, and he continued from time to time during the whole of the war to make and attest such copies, claiming to the very last to be "Judge of Probate for the County of Suffolk in his Majestys Province of Massachusetts Bay."

In cases where attested copies were for any reason not obtained, resort was had to other expedients.

In the case of William Whitwell, of Boston, merchant, deceased (No. 15,787), whose will dated January 8, 1774, had been probated April 14, 1775, the General Court, April 26, 1776, passed the following Resolve:—

"Whereas the Records and Papers belonging to the Probate-Office in the County of Suffolk, cannot be found; and it is apprehended the same were carried off by the Enemies when they fled from Boston, and the original Will referred to in the within Petition [of William Whitwell] cannot be found: Therefore, Resolved, That the Hon. the Judge of Probate for the County of Suffolk be, and he hereby is fully authorized and empowered to grant out Letters of Administration on the Estate of the said William Whitwell, deceased, to the Petitioner, he giving Security as the Law requires for the faithful Discharge of that Trust, and that the said Judge proceed in the Settlement of said Estate, in the same Manner as in the settling of Intestate Estates, unless the Heirs shall otherwise agree, or the original Will shall hereafter be found." (Journal of the House of Representatives, 187.)

An administrator was accordingly appointed by the Revolutionist Judge of Probate and the estate was settled as if it had been an intestate estate.

In the case of Joseph Crosby, late of Braintree, Esq., deceased (No. 14,400),

The Massachusetts Archives contain the following:—

“STATE OF MASSACHUSETTS BAY

Council Chamber Dec^r 29: 1777

Whereas many Difficulties have arisen to this State for want of the Papers belonging to the Judge of Probate's Office which were con-

whose will dated January 26, 1769, had been probated March 17, 1769, the General Court appointed a committee, February 24, 1778, on the petition of Ann Crosby *et al.*, setting forth that the last will and testament with a codicil of said Joseph, together with the record of the same was “carried off by Foster Hutchinson Esq. late judge of probate for the County of Suffolk, when he fled with the British troops from Boston in the Year 1776; & that no attested copy thereof is left in the hands of any person within this State; & therefore praying that an unattested Copy of the same, to this court exhibited, might be authenticated & made valid in law; which copy being made to appear to this court to be a true & correct one,” etc. etc. This committee was instructed to consider the petition, to hear the parties, and to report thereon. (Mass. Archives, CCXVII. 192 *et seq.*)

In the case of Robert Ford, late of Boston, mariner, deceased (No. 14,193), whose will dated November 29, 1765, had been probated February 26, 1768, “as the original will & Probate Records are Carried off to Halifax & Cannot be Procured,” the General Court on petition of William Winter, passed a Resolve October 6, 1779, confirming a copy of said will as the last will of said Robert Ford and authorizing the Judge of Probate to grant administration with the will annexed, “the Executors named in said Will being Dead & the Estate unsettled.”

This copy bore the following attestation: “The above & foregoing are true copies of the Will of Rob^t Ford late of Boston Mariner dec'd and also of the Inventory of the said dec'd's Estate extracted from the Records of the Court of Probate for the County of Suffolk, in his Majesty's Province of Massachusetts Bay

Attest

HALIFAX 14th Sept 1779

FOSTER HUTCHINSON

Judge of Prob^t for s^d County”

(Mass. Archives, CCXXIV. 332.)

In the case of Thomas Child, late of Boston, distiller, deceased, intestate (No. 9,937), letters of administration were issued January 30, 1752, and a partition of his real estate was made March 22, 1754. The copy of this partition was thus certified:—

“NOVA SCOTIA

The Subscriber Judge of Probate of Wills &c for the County of Suffolk in his Majestys Province of Massachusetts Bay certifies that the Division or Partition of the Estate of Thomas Child deceas'd contain'd in the six foregoing Pages is a true & faithfull Extract from the Probate Register of the aforesaid County of Suffolk

FOSTER HUTCHINSON.

HALIFAX 15th June 1780”

(Mass. Archives, CCXXXIV. 495-501.)

In the case of Robert Jenkins, late of Boston, merchant, deceased (No. 15,525), whose will dated November 26, 1773, had been probated December 10, 1773, the original will being in the possession of Foster Hutchinson, the General Court, on petition of John Jenkins, the son of said testator, passed a Resolve July 1, 1782, directing the Judge of Probate to allow and approve a copy of said will which was established as the last will and testament of said Robert Jenkins (Mass. Archives, CCXXXVI. 132-136; Supplement to Acts and Resolves of Mass., I. 123). Letters of administration with the will annexed on his estate were issued April 18, 1782, to John Jenkins, of Providence, Rhode Island, merchant.

veyed from Boston to Halifax by Foster Hutchinson Esq late Judge of Probate for the County of Suffolk

Ordered — That the Honble Thomas Cushing Esq. be and he hereby is desired to write a Letter to Foster Hutchinson Esq. representing the Inconveniences this County labours under for want of said Papers and to desire him to deliver them to John Brown Comander of the Cartel Brig^t Favourite addressed to the Care of the said Tho^s Cushing Esq Judge of Probate for said County in Order that they may be lodged in the Probate Office in Boston for the Benefit use and Relief of the Poor Widows & Orphans to whom they more immediately relate —

Read & Accepted

JN^o AVERY D^y Secy.”¹

But if such a letter were written it proved of no avail, for long after the war had been brought to its close, the General Court, February 13, 1784, passed the following Resolve:² —

“Resolve requesting the Governor to take measures for recovery of Records of Probate Office, *Suffolk* County said to be in possession of *Foster Hutchinson*.

Resolved, That the Governor of this Commonwealth, be requested to take such Measures for the Speedy Recovery of the Records of the Probate Office, of the County of *Suffolk*, said to be in the Possession of *Foster Hutchinson* Esq, of *Halifax*, as he may judge necessary.”

In compliance with this Resolve, Governor Hancock secured the services of Benjamin Kent,³ a member of the Suffolk Bar, who proceeded to Halifax on this most important mission.

¹ Mass. Archives, CLXVIII. 118.

² Acts and Resolves of Mass., Chap. 54, 1782-3.

³ Benjamin Kent, son of Joseph Kent, of Charlestown, was baptized June 13, 1708, at the First Church, Cambridge. He was graduated at Harvard College in the class of 1727. Among his classmates was Governor Hutchinson. He was ordained in 1733 a minister at Marlborough, but doubts arising as to his orthodoxy, a council convened in 1735 found him unsound in the faith. He afterward removed to Boston, studied law and became a barrister, noted for his wit and eccentricity. He married in Chelsea, November 6, 1740, Elizabeth Watts. She was the daughter of Samuel Watts, of Chelsea, and was baptized there September 16, 1722.

Under date of 1758, John Adams, then a young lawyer just entering upon the practice of the law in Boston, says: —

“Rode to Boston . . . went into the court house and sat down by Mr. Paine, at the lawyers’ table. I felt shy, under awe and concern; for Mr. Gridley, Mr. Pratt, Mr. Otis, Mr. Kent, and Mr. Thacher, were all present, and looked sour.”

And at a later date: —

“Kent is for fun, drollery, humor, flouts, jeers, contempt. He has an irreg-

The following letter¹ written by him to Governor Hancock tells of its success:—

ular, immethodical head, but his thoughts are often good, and his expressions happy."

At the meeting of the bar at the Bunch of Grapes Tavern January 3, 1770, Benjamin Kent presided, he being the eldest barrister-at-law then present.

He took an active part in the affairs of the town, served on many important committees, and was chosen Moderator of various town meetings. His political opinions seem to have occasioned some discussion.

He wrote from Boston, April 24, 1776, to John Adams, then in Philadelphia, complaining of the hesitancy and delay of the Continental Congress: "What in the name of *Common Sense* are you Gentlemen of the Continental Congress about?" "the present time to make a final Declaration of Independence is the best." In his reply Mr. Adams said, "You cannot make thirteen clocks strike precisely alike at the same second."

He was appointed, December 4, 1776, one of the committee to petition the General Court in relation to the quota of the Town of Boston of men "this State is to raise, for the Continental Army," and, March 14, 1777, one of the committee concerning the "persons resorting to, or residing in the Town, who are justly suspected of being inimical to the American States."

Notwithstanding this, Sabine asserts that he was a Loyalist and says: "To the gentlemen who have suggested that the subject of this notice was not a Loyalist, I return my warm thanks for the endeavor to correct an inaccuracy in this work; but the name was not inserted in the first edition without thought, and is retained now, after due consideration of the circumstances to which my attention has since been kindly directed."

The Town, County, and State Records and the Record Book of the Suffolk Bar all show that he remained here during the Revolutionary War. He was present for the last time at the meeting of the bar held April 20, 1784, and it was not until May 7, 1784, as his own account shows, that he sailed for Halifax, where his youngest daughter Sarah, wife of Sampson Salter Blowers, a Boston Loyalist refugee,—afterward Chief Justice of the Supreme Court of Nova Scotia,—was then living.

In a deed dated April 15, 1785, he describes himself as "Benjamin Kent of Boston in New England Esquire now residing at Hallifax in Nova Scotia," and he recites that he intends shortly to make a visit to Boston and to leave in Halifax his wife Elizabeth and his daughters Elizabeth Kent and Sarah Blowers. He mentions his "son Benjamin, if living." This deed was acknowledged April 30, 1785, in Boston. But his stay here was of short duration, and he returned to Halifax. The inscription on his tombstone in St. Paul's Cemetery, Halifax, shows that he died, October 22, 1788, in the eighty-first year of his age, his widow Elizabeth dying August 2, 1802, in the eightieth year of her age.

The house in Boston where Benjamin Kent lived for many years, first as tenant and afterward as owner, stood on the north side of King Street, now State Street, next to the corner of Wilson's Lane and directly opposite the Town House. It was of brick, and his next-door neighbor on the west was William Story, whose house was attacked during the Stamp Act riots, as has been before related (*ante*, p. 110). After Benjamin Kent's decease, his widow and daughters conveyed the house and land by deed dated May 26, 1793, executed at Halifax, to William Burley, of Boston, merchant.

When Devonshire Street was extended through Wilson's Lane in 1872, the

¹ Senate Document, 156.

"HALIFAX NOV^r 9th 1784.

SIR,

After a tedious negociation & more Trouble than you can imagine, I have received seventy two books (I think N^o 13, being wanting) with a parcell of loose papers which are packed now in a box marked S.S.B. & also four boxes of papers which I have not seen having received them packed as they are now sent — These M^r Hutchinson who delivered them says, are all he has had of the Probate Records — The Office Seal he has not Delivered — You will be so good as to direct the receipt of them to be acknowledged & to pay to M^r Tudor who is my attorney at Boston whatever you may think an adequate compensation for my trouble & the expence of Packing, Truckage &c paid here

I have the honor to be

Your Excell^{cy}s Most Obed^t Serv^t

BENJⁿ KENT."

He seems to have had the co-operation of Governor Parr, of Nova Scotia, as appears from the next letter : ¹ —

"HALIFAX 12th NOV^r 1784.

SIR

I should have done myself the honor of Answering your Excellency's letter long ere this, but delayed from day to day untill I could get the records of Probates out of M^r Hutchinson's hands, he has at last delivered them to M^r Kent who forwards them to Boston by this Conveyance — If any should be wanting, you will be pleased to inform me —

I have the honor to be, Sir

Y^r Excell^ys Most Obed^t & most humble Servant

J. PARR.

His Excellency GOV^r HANCOCK."

whole of the estate on the corner of Wilson's Lane and State Street and all but a strip about five feet wide of the Kent estate were included in the new street. Part of the new Devonshire Building now covers the site of the Story house and the narrow strip which was all that was left of the Kent estate.

(Authorities: Wyman's Genealogies and Estates of Charlestown, II. 572; Hudson's History of Marlborough, 122-125; Life and Works of John Adams, II. 45, 75, 291 n., IX. 401; Record Book of the Suffolk Bar, 1 Proc. Mass. Hist. Soc., XIX. 147-159; Boston Town Records, VI. 97, 111; Sabine's Loyalists of the American Revolution, I. 600; Briggs's Kent Genealogies, 38; Suffolk Deeds, Lib. 148, fol. 190, Lib. 178, fol. 137, Lib. 1115, fol. 184; Acadian Recorder of Halifax, N. S., February 21, 1902. There is a typographical error in the copy of the inscription on his tombstone, as printed in the Acadian Recorder. Benjamin Kent died October 22, 1788, as before stated.)

¹ Senate Document, 156.

The Massachusetts Archives contain also the petition¹ of Benjamin Kent for compensation for these services : —

“ Commonwealth } To the Hon^{ble} the Senate & the Hon^{ble} the
of Massachusetts } House of Representatives in General Court
assembled at Boston Feb^y 1785 —

Most humbly sheweth

Benjamin Kent of Boston in the County
of Suffolk —

That by the Request of his Excellency the late Governor of this Commonwealth he took upon him the Care of procuring & transmitting certain Papers belonging to the Probate Office with the Records of the same, which were carried away by the late Judge Hutchinson on the Siege of Boston being raised in the Year 1776 from a full assurance from his Excellency that all the Costs & expences arising therefrom should be punctually defrayed —

That Your Petitioner after many tedious conferences with M^r Hutchinson now resident at Hallifax & his Excellency Governor Parr at last effected a Restoration of Seventy two Books of Record with all the Papers in the hands of the s^d Hutchinson belonging to said Probate Office which were transmitted to his Excellency the late Governor Hancock & as your Petitioner humbly conceives it to be a Governmental Charge he most earnestly requests Your Honors to grant him such Compensation as your Honors shall esteem just for his Trouble services & Expence as aforesaid

And Your Petitioner as in Duty bound

Shall ever pray —

BENJ^A KENT ”

The bill² accompanying this petition is as follows : —

“ The Commonwealth of Massachusetts

	To	Benj ^A Kent.	D ^r
1784 } 7 May }	{ To my Passage to Hallifax at the Request of his late Excell ^y John Hancock Esq ^r to collect the Records of the Probate Office for the County of Suffolk carried away by the Enemy in the Month March 1776 }		3 .. 12 .. —
30 th Sep ^r			
	{ To my Time & Attendance in soliciting for & procuring the above Records of Foster Hutchinson Esq ^r being 5 months @ 6£ p ^r month }		30 .. —

¹ Mass. Archives, House Document No. 1731.

² *Ibid.*, No. 1731.

15 Dec^r { To 4 large Boxes & packing the
above Records therein & Truckage
of the same from M^r Hutchinson's
to the Vessell in which they were
brought to Boston. } 4 : 16 . —

£38 .. 8 .. —

BOSTON 25th June 1785

Errors excepted

BENJ^A: KENT "

This bill, which seems to be a just and moderate one, was not readily collected, and the proverbial ingratitude of Republics was again exemplified by the action of the Committee of the Representatives.¹ For the return of these priceless records and files, whose value can scarcely be computed in money, these Bœotian lawmakers purposed to award the munificent sum of £15!!

Thus after an exile of nearly nine years, since that fateful day in March, 1776, when the fleet set sail for Halifax, the records and files of the Probate Court were returned to their proper place in the Brick Court House in Queen Street.

Ten years later, in 1794, Thomas Pemberton thus describes this Court House: ² —

"It is a large handsome building of brick, three stories high, and has on the roof an octagon cupola. The lower floor is used partly for walking, and has on it the Probate office and the office of the County Register of Deeds."

Another new Court House ³ of stone was erected in 1810 on

¹ On the petition of Benjamin Kent "setting forth that, att the Request of the Late Gouvernor of the Commonwealth, he had been att sum Trouble and Expençe in procuring and Conueying the Books and papers belongine to the probate office of the County of Suffolk — Which ware Carried to Halifax — Tharfore — Resolued that the Treasurer of the Commonwealth be and hearby is ordered and Directed to pay to the Said Benj^a Kent the Sum of fifteen pounds in full Discharge of all accounts for his Service aforesaid." (Mass. Archives, House Document No. 1938; Report of Committee House of Representatives, June, 1785.)

Several of the volumes of the records in the Probate Office contain entries relating to the return of the books from Halifax. *Vide inter al.* LXXV. 43, 63; LXXVI. 250, 316, 645; LXXVIII. 161, 659, 664; LXXIX. 47, 195, 198; LXXX. 282, 355, 356, 553, 554; LXXXII. 120.

² 1 Mass. Hist. Soc. Coll., III. 253.

³ In the Proceedings of the Massachusetts Historical Society (2 Proc. Mass. Hist. Soc., XIV. 97), and in the Introduction to Lib. XI. of Suffolk Deeds, I have given a description of these various Court Houses. As the Registry of Probate

land between Court Street and School Street, and the Probate Office was thereupon removed to that building, where it occupied the lower floor of the western wing, the Registry of Deeds being on the lower story of the octagon centre.

When the Courts removed in 1836 from this stone Court House to the new stone Court House in Court Street — now called the Old Court House — the Probate Office and Registry of Deeds remained for a time in the former building.

But the petitions of the Judge of Probate and the Register of Deeds for a separate fire-proof building were finally granted, and July 1, 1839, the order¹ for its erection was passed.

This new building was of brick. It stood in Court Square, directly in the rear of the building of the Massachusetts Historical Society on Tremont Street, and its southerly windows overlooked the King's Chapel Burial Ground.

The Probate Court occupied the lower floor, which was divided by the entry into two small rooms, one for the Judge and one for the Register, while beyond a larger room, "contrived a double debt to pay," served alike for an office where the records were kept and a court room where the sessions of the Probate Court were held.

Those who then had occasion to consult the Probate Records did well to choose carefully a time when the court had adjourned for the day or was not in session.

For on a court day, especially if a case of unusual importance, or one which had attracted much attention, was being heard, the court room was crowded, all the available space being taken up by Judge, Register, lawyers, clients, witnesses, and the general public. These monopolized not only all the space, but practically all the light, as the windows were on the side where the Judge sat, the record books being kept in cases on the dark side of the room, remote from the windows. In summer, when the trees in the King's Chapel Burial Ground were in full foliage, the light that filtered through their leaves was certainly dim if not religious.

Under such disadvantages the members of the bar were compelled to carry on their investigations in the Probate Office.

and Registry of Deeds, since the erection of the County Court House, have always been under the same roof, it is unnecessary to repeat what I have there said, and the reader is referred to that paper for a more detailed account of them.

¹ City of Boston Records, Mayor and Aldermen, XVII. 248.

It will seem hardly credible to the lawyer of to-day that, down to a time comparatively so recent as thirty years ago, such utterly inadequate accommodations were afforded his predecessors in a city of the size and importance of Boston.

But if the lawyer of to-day finds it difficult to believe that the office accommodations were so meagre, what will he say when he learns that in those days the court had no docket and had never had any; that the files were inaccessible and could not be consulted; and that the records had no index—or at least not anything deserving the name of index, the antiquated “alphabets” then in use being an aggravation rather than an assistance!¹

But the condition of the files forms the weightiest count in the indictment of the system—or want of system—that then prevailed.

These original papers, many of which had never been recorded, were tied in bundles and thrown up on top of the cases in which the record books were kept. There they remained, covered with dust, unseen by mortal eye, untouched by mortal hand, since the day when they were first so unceremoniously “skyed.” In some of these packages papers having no relation to each other and separated in date by one hundred and fifty years were afterward found side by side.

This administrative chaos, too long submitted to in silence, at last aroused the lawyers and others who suffered most inconvenience from it. The result of their efforts was that the Judge and Register of Probate, May 18, 1868, and January 11, 1869, petitioned² the Board of Aldermen acting as County Commissioners for the County of Suffolk “for the classification and preservation of the Probate papers”; and the Committee on County Accounts were authorized, June 8, 1869, to contract with some suitable person to arrange and classify the papers and indices in the Probate Office.

Judge Edwin Wright was selected to carry out this order, but after he had spent more than two years over the Probate papers, dissatisfaction was caused by the slow progress of the

¹ On the petition, October 13, 1873, of the Judge of Probate, an order was finally passed, January 1, 1874, for a Classified Index to the Probate Records from 1638 to 1870 inclusive. (City Council Minutes, Board of Aldermen, A.D. 1873, pp. 418, 565, 567).

² City of Boston Records, Mayor and Aldermen, XLVI. 492, and City Council Minutes, A.D. 1869, p. 5.

work, and Daniel S. Gilchrist¹ was chosen to finish what had been begun.

This great undertaking was brought to its close in 1876. It effected a complete transformation in the Probate Office. Chaos gave place to order and system, and the vast mass of documents comprising the Suffolk Probate files and records became for the first time accessible to the investigator.²

¹ 2 Proc. Mass. Hist. Soc., XIV. 87, and Introduction to Liber XI., Suffolk Deeds.

² The system by which all this has been accomplished certainly deserves a word of explanation here.

The contents of the Registry of Probate may be considered, for the purpose of this description, as divided into four classes, the Index, the Docket, the Records, and the Files.

The Index contains the names of all persons whose wills have been probated, or whose estates have been administered upon, using the word "administration" here in its broadest sense. This Index is not a mere "alphabet." It is admirably arranged according to Christian as well as surnames; briefly sets forth the nature of the case (i.e. whether a testate or intestate estate, guardianship, trust, etc.); gives the year in which the proceedings were begun; and points out the number under which the case is entered on the docket. Any name in it, from 1636 down to the present year, can be found in an instant, as readily as in a city directory.

Having thus by means of the Index ascertained the docket number, we turn to the Docket. This is an entry book, or chronological arrangement of cases, more than 120,000 in number, and gives us at a glance the title of all the papers filed or recorded in each case; the date of such filing; and the volume and page of the record books where such of the instruments as have been recorded in extenso may be found.

The Records of the Court consist of upward of 800 large folio volumes, having, some of them, more than five hundred pages each. They contain in the words of the statute (Revised Laws, Ch. 162, § 35) all "decrees and orders, all wills proved in the court, with the probate thereof, all letters testamentary and of administration, all warrants, returns, reports, accounts and bonds, and all other acts and proceedings required to be recorded by the rules of the court or by the order of the judge."

The Files include all the original papers, recorded or unrecorded, in each case. Every paper is marked with the number of the case, and all the papers in each case are placed by themselves in a stout envelope, which has stamped upon it the number of the case, its date, and the name of the party to whose estate it belongs. By this system it is possible to find in a moment, not only the record of every will, but the will itself, and every paper, however unimportant, which has ever been filed in the Probate Office.

It depends, of course, on the nature of a case how many papers are filed in it. In large and complicated estates, where considerable sums of money are involved, especially where the property is held for many years in trust, the number is naturally greater than in the smaller and less important ones. It is not easy, therefore, to determine just how many documents the Probate Office contains, but, at the present rate of increase, there will soon be, in all probability, not far from a million of them. And yet any one of these million papers can be found in an instant, so admirable is the arrangement. It is in fact much simpler than

The condition of the records during the Provincial period is shown by the petitions of Judge Hutchinson and John Payne, to which reference has already been made. Further evidence, if any is needed, is found in the fact that when Mr. Gilchrist's work was completed and the files were systematically arranged, thirty-two thousand seven hundred and five papers of a date prior to A.D. 1800 were found which had never been recorded, among them no fewer than two hundred and eighty wills. In six hundred and sixty-nine cases, prior to that date, which now appear on the dockets, not a single paper filed in those cases had ever been recorded, so that not even the names of the parties, or the fact that such persons ever lived, could have been known to one who consulted the records.¹

The value of an examination of title to lands at a time when real property changed hands, by purchase, much less frequently than now, often remaining in the same family for generations, when the greater part of such an examination must necessarily have been made in the Probate Office, may be left to the startled conveyancer to determine.²

An enlargement of the Probate Office was made by the lease³ to the City of Boston, January 1, 1873, of part of the this description of it, and should be seen in its actual working to be understood and appreciated.

This system, first introduced in the County of Suffolk, has since been adopted by other Registries of Probate. (*Cf.* New England Historical and Genealogical Register, XXXVIII. 131.)

¹ *Cf. Ibid.* XXXIV. 45-48.

² During the term of office of the present Register, Elijah George, and largely due to his efforts and zeal, many improvements have been made in the Probate Office. He has caused to be recopied several of the earlier volumes of the records, which were fast falling into decay, while the papers left unrecorded, by the neglect of his predecessors in office, are now at last, under his direction, being duly recorded.

But perhaps what is best appreciated by the general public is the printed index; for the County of Suffolk is the first in this Commonwealth to provide the searcher of the probate records with a printed index to guide him in his investigations.

It is in three large quarto volumes, printed in large, clear, and handsome type on paper made expressly for the purpose, and covers the period from 1636 to 1893 inclusive. It is a complete key to 94,757 cases shown on the docket.

The superiority of the printed page over the page written by hand is well exemplified by this Index. It is a foretaste of what is to come when, in the progress of the age, manuscript indices in all public offices shall give place to printed volumes. The advantages are obvious and need not be recited here.

³ City Council Minutes, A.D. 1871, pp. 212, 218, 221, A.D. 1872, pp. 46, 253, 254, 261; 2 Proc. Mass. Hist. Soc., III. 293, XI. 310.

building of the Massachusetts Historical Society. A new room thus acquired, extending to Tremont Street on the lower floor of that building, then became the Probate Office, and the records and files of the court were there placed, while the old office was, from that time, used exclusively as a court room.

These additional accommodations gave temporary relief, but they were soon outgrown, and on the erection of the last new Court House in Pemberton Square, the Court and Registry of Probate were, in September, 1893, removed to that structure.

Remarks were also made during the meeting by the PRESIDENT and by MESSRS. MORTON DEXTER, ALBERT B. HART, EDWARD CHANNING, DANIEL H. CHAMBERLAIN, BARRETT WENDELL, CHARLES E. NORTON, and CHARLES C. SMITH.

A new serial of the Proceedings, containing the record of the January and February meetings, was on the table for distribution to the members.

ANNUAL MEETING, APRIL, 1902.

THE Annual Meeting was held on Thursday, the 10th instant, at twelve o'clock, M.; the President in the chair.

The record of the March meeting was read and approved; and the lists of donors to the Library and of the gifts to the Cabinet during the past month were also read.

Mr. Brooks Adams, of Quincy, was elected a Resident Member, and Mr. Albert V. Dicey, Vinerian Professor of Law, in the University of Oxford, England, was elected a Corresponding Member.

The Annual Report of the Council was read by Mr. JAMES SCHOULER, Senior Member at Large, as follows:—

Report of the Council.

Nine monthly meetings, the usual number, have been held in this building during the past year. The average attendance has been large, and the interest well sustained; thus confirming the impression of former reports that our Society has not lost, but has really gained, by moving to its new and spacious home, so pleasant in surroundings and yet so secluded.

Two attractive works of art for interior adornment have been received since our last Annual Meeting, and set in place. One, a framed oil painting, which hangs in the front hall at the head of the staircase, is the original portrait, by Smibert, of Provincial Chief-Justice Samuel Sewall, which was bequeathed to our Society by a lineal descendant, the late Miss Henrietta B. Ridgway, of Boston. The other, a fine marble bust of the late William Wetmore Story, modelled by himself at Rome, occupies a pedestal before us in the Dowse Library room, and was presented by his son, Mr. Waldo Story, who had previously given the manuscript collection of his famous grandfather, Judge Story, referred to in last year's report. The acceptance of the Story bust furnished occasion for a graceful memorial sketch of this versatile artist and man of letters—a Corresponding Member of this Society at the time of his death—by his friend Dr. Charles Eliot Norton.

The Society expects presently to receive a large accession to its invested funds, under residuary provisions of the will of the late John Langdon Sibley, whose widow died last January. Mr. Sibley's devotion to Harvard men and their biographies is recalled by many of this Society who graduated at that institution while he was alive and in active charge of its library. A large capital fund, increased by the further bounty of his surviving wife, now reverts to us for the execution of the literary trusts created by him.

Our printed Proceedings for the past twelve months possess much interest. Now that America has entered upon the full activities of this twentieth century, we may look back upon the nineteenth as fairly relegated to the region of historical exploration; and that portion, particularly, which closes with our great Civil War, as henceforth an era calmly and immutably of the past. Such seems to have been already the conclusion of our Society as to studies national, and research among parallel records of our State's high career will probably follow. Among nineteenth-century papers is that of Dr. Rhodes upon the Burning of Columbia, South Carolina, during Sherman's march; so also those of our President and Mr. Ford, respectively, upon "John Quincy Adams and Martial Law" and the "Genesis of the Monroe Doctrine," both of which disclose unpublished manuscripts of the Adams family. Among contributions which pertain rather to Massachusetts and the colonial period are narratives of Sir William Phips's Expedition to Canada, and the compilation by Mr. Ford from our Provincial Records. Important essays were read during the year by Mr. Quincy and Mr. William R. Thayer on general topics, suggested by historical study and observation. Not least, however, among these printed communications in point of merit and interest are those which state impressions received on trips to the old world during the last summer's recess, or commemorate the various distinguished men, at home or abroad, lately deceased, whose names were borne upon our roll or otherwise deserved a tribute.

During the past twelve months this Society has published one volume — 2d series, vol. xiv., of its Proceedings (March, 1900–February, 1901); this contains many memoirs, each accompanied by a portrait. Five serial numbers of Proceedings (March, 1901–February, 1902) have also appeared in print,

which will be included in the next regular volume. The Publishing Committee announce two special volumes, besides, to be presently issued.

Of our Resident Members a year ago, six have passed away, the same number as last year: Samuel Foster McCleary, who died April 25, 1901; Robert Noxon Toppa, May 10, 1901; John Fiske, July 4, 1901; Horace Elisha Scudder, January 11, 1902; James Bradley Thayer, February 14, 1902; Uriel Haskell Crocker, March 8, 1902. Of our Corresponding Members, two have died: Herbert Baxter Adams, July 30, 1901; and George Washington Ranck, August 2, 1901. Two Honorary Members have also deceased: William Stubbs, and Samuel Rawson Gardiner, April 22, 1901, and February 23, 1902, respectively. Professor Thayer's death occurred while he was serving his second term on the Council.

Six gentlemen have been elected during the year to Resident Membership: Charles Gross, May 9, 1901; John Osborne Sumner, June 13, 1901; Arthur Theodore Lyman, October 10, 1901; Samuel Lothrop Thorndike, December 12, 1901; Edward Henry Strobel, January 9, 1902; Henry Lee Higginson, February 13, 1902. Five have been chosen to Corresponding Membership: Frederic Bancroft, June 3, 1901; Charles Harding Firth, October 10, 1901; William James Ashley, November 14, 1901; Edward Gaylord Bourne, January 9, 1902; John Bach McMaster, February 13, 1902. One Honorary Member was also chosen to the Society: Pasquale Villari, of Florence, on the 12th of December, 1901.

There are at the present time three vacancies each on the respective lists of Resident and Honorary Membership; and four on the list of Corresponding Membership.

It may be worthy of note that, by invitation, this Society was represented at the four hundred and fiftieth anniversary celebration of the University of Glasgow, last June; also at the bi-centennial anniversary of Yale University, in October.

During the year the following publications have been made by members of the Society:—

Publications by Members.

Before, and After the Treaty of Washington: the American Civil War and the War in the Transvaal. An address delivered before the

New York Historical Society on its Ninety-seventh Anniversary, Tuesday, November 19, 1901. By Charles Francis Adams.

1865-1900. The Confederacy and the Transvaal: a People's Obligation to Robert E. Lee. A Paper read before the American Antiquarian Society, at its Annual meeting in Worcester, Massachusetts, Wednesday, October 30th, 1901. By Charles Francis Adams.

Additions and Corrections to Sumner Genealogy. To January, 1902. By William S. Appleton.

Family Letters from the Bodleian Library. With notes by William S. Appleton.

Currency and Banking in the Province of the Massachusetts-Bay. By Andrew McFarland Davis. Two volumes.

Harriet Ryan Albee. A Memorial Sketch. By James De Normandie.

Journals of the House of Representatives of His Majesty's Province of the Massachusetts-Bay, 1715. Edited by Worthington Chauncey Ford.

Some Letters of Ralph Izard to Thomas Jefferson. Contributed by Worthington C. Ford. Reprinted from the South Carolina Historical and Genealogical Magazine for July, 1901.

An Address on the Life, Character, and Influence of Chief Justice Marshall, delivered at Richmond on the fourth day of February, 1901, at the request of the State Bar Association of Virginia and the Bar Association of the City of Richmond. By Horace Gray.

Ten Fac-simile Reproductions relating to Old Boston and Neighborhood. By Samuel Abbott Green.

Three Military Diaries [Dudley Bradstreet at Louisburg, 1745-6, David Holden, 1760, and Amos Farnsworth, 1775-79] kept by Groton Soldiers in different Wars. With Introductions by Samuel A. Green.

The New Century. Three Sermons Preached in the South Congregational Church, Boston. By the Reverends Edward Everett Hale and Edward Cummings.

Diocese of Massachusetts. Eighth Annual Address of the Rt. Rev. William Lawrence, to the Convention of the Diocese, delivered in Trinity Church, Boston, May 8, 1901, at its One Hundred and Sixteenth Annual Meeting.

Numbers and Losses in the Civil War in America, 1861-65. (2d edition.) By Thomas L. Livermore.

An Address upon Chief Justice Marshall delivered at the Auditorium in Chicago on the fourth day of February, 1901, at the request of the Bar Associations of the State of Illinois and of the City of Chicago. By Henry Cabot Lodge.

Some Needed Changes in the Management of Town Affairs. An Address delivered before the Commercial Club of Plymouth October 8, 1901. By Arthur Lord.

Records of the Court of Assistants of the Colony of the Massachusetts Bay 1630-1692. Printed under the Supervision of John Noble.

Worcester's Old Common. Remarks made at the Annual Banquet of the Worcester Board of Trade, April 19, 1901. By Nathaniel Paine. Privately printed.

Miscellanies. By Arthur L. Perry.

Thirty-fifth Report on the Peabody Museum of American Archaeology and Ethnology. By Frederick W. Putnam.

Archæological and Ethnological Papers of the Peabody Museum, Harvard University. Vol. II. Edited by F. W. Putnam.

Alexander Hamilton. (Beacon Biographies Series.) By James Schouler.

James Russell Lowell. A Biography. By Horace E. Scudder. Two volumes.

Thetford Academy. A brief History of its Endowment Fund, set forth by order of the Trustees, with some account of the successful effort made to lay its foundation, the report of the Investment Committee, the honorable Record of the Academy in the past, &c., &c. By the Rev. Edmund F. Slafter.

John Marshall. An Address delivered in Sanders Theatre, Cambridge, before the Law School of Harvard University and the Bar Association of the City of Boston on February 4, 1901. By James Bradley Thayer.

John Marshall. By James B. Thayer. (Riverside Biographical Series, Number 9.)

Address at the Fiftieth Anniversary of the Organization of Channing Church in Newton, Massachusetts, September 15, 1901. By Edward J. Young.

JAMES SCHOULER,

Senior Member at Large of the Council.

The Annual Report of the Treasurer and the Report of the Auditing Committee were submitted in print.

Report of the Treasurer.

In compliance with the requirements of the By-Laws, Chapter VII., Article 1, the Treasurer respectfully submits his Annual Report, made up to March 31, 1902.

The special funds held by him are eighteen in number, and are as follows:—

I. THE APPLETON FUND, which was created Nov. 18, 1854, by a gift to the Society, from Nathan Appleton, William Appleton, and Nathaniel I. Bowditch, trustees under the will of

the late Samuel Appleton, of stocks of the appraised value of ten thousand dollars. These stocks were subsequently sold for \$12,203, at which sum the fund now stands. The income is applicable to "the procuring, preserving, preparation, and publication of historical papers."

II. THE MASSACHUSETTS HISTORICAL TRUST-FUND, which now stands, with the accumulated income, at \$10,000. This fund originated in a gift of two thousand dollars from the late Hon. David Sears, presented Oct. 15, 1855, and accepted by the Society Nov. 8, 1855. On Dec. 26, 1866, it was increased by a gift of five hundred dollars from Mr. Sears, and another of the same amount from our late associate, Mr. Nathaniel Thayer. The income must be appropriated in accordance with the directions in Mr. Sears's declaration of trust in the printed Proceedings for November, 1855.

III. THE DOWSE FUND, which was given to the Society by George Livermore and Eben. Dale, executors of the will of the late Thomas Dowse, April 9, 1857, for the "safe keeping" of the Dowse Library. It amounts to \$10,000. The balance of income for the year has been placed to the credit of the General Account, in accordance with what was understood to be the wishes of the executors.

IV. THE PEABODY FUND, which was presented by the late George Peabody, in a letter dated Jan. 1, 1867, and now stands at \$22,123. The income is available only for the publication and illustration of the Society's Proceedings and Memoirs, and for the preservation of the Society's Historical Portraits.

V. THE SAVAGE FUND, which was a bequest from the late Hon. James Savage, received in June, 1873, and now stands on the books at the sum of \$6,000. The income is to be used for the increase of the Society's Library.

VI. THE ERASTUS B. BIGELOW FUND, which was given in February, 1881, by Mrs. Helen Bigelow Merriman, in recognition of her father's interest in the work of the Society. The original sum was one thousand dollars; but the interest was added to the principal to bring the amount up to \$2,000, at which it now stands. There is no restriction as to the use to be made of this fund; but up to the present time the income has been used only for the purchase of important books of reference needed in the Library.

VII. THE WILLIAM WINTHROP FUND, which amounts to the sum of \$3,000, and was received Oct. 13, 1882, under the will of the late William Winthrop, for many years a Corresponding Member of the Society. The income is to be applied "to the binding for better preservation of the valuable manuscripts and books appertaining to the Society."

VIII. THE RICHARD FROTHINGHAM FUND, which represents a gift to the Society, on the 23d of March, 1883, from the widow of our late Treasurer, of a certificate of twenty shares in the Union Stock Yard and Transit Co., of Chicago, of the par value of \$100 each, and of the stereotype plates of Mr. Frothingham's "Siege of Boston," "Life of Joseph Warren," and "Rise of the Republic." The fund stands on the Treasurer's books at \$3,000, exclusive of the copyright. There are no restrictions on the uses to which the income may be applied.

IX. THE GENERAL FUND, which now amounts to \$43,174.43. It represents the following gifts and payments to the Society, and withdrawals from the Building Account:—

1. A gift of two thousand dollars from the residuary estate of the late MARY PRINCE TOWNSEND, by the executors of her will, William Minot and William Minot, Jr., in recognition of which, by a vote of the Society, passed June 13, 1861, the Treasurer was "directed to make and keep a special entry in his account books of this contribution as the donation of Miss Mary P. Townsend."

2. A legacy of two thousand dollars from the late HENRY HARRIS, received in July, 1867.

3. A legacy of one thousand dollars from the late GEORGE BEMIS, received in March, 1879.

4. A gift of one hundred dollars from the late RALPH WALDO EMERSON, received in April, 1881.

5. A legacy of one thousand dollars from the late WILLIAMS LATHAM, received in May, 1884.

6. A bequest of five shares in the Cincinnati Gas-Light and Coke Co. from the late GEORGE DEXTER, Recording Secretary from 1878 to 1883, received in June, 1884. This bequest for several years stood on the Treasurer's books at \$900, at which sum the shares were valued when the incomes arising from separate investments were all merged in one consolidated account. Besides the regular quarterly dividends there has

been received up to the present time from the sale of subscription rights, etc., the sum of \$337.56, which has been added to the nominal amount of Mr. Dexter's bequest.

7. A legacy of one thousand dollars from the late EBENEZER ROCKWOOD HOAR, received in February, 1895.

8. Twenty-seven commutation fees of one hundred and fifty dollars each.

9. The sum of \$29,955.17 was withdrawn from the proceeds of the sale of the Tremont Street estate, and added to this fund; and the sum of \$731.70 received from the Medical Library for cost of party-wall has been deducted from the cost of the real estate and added to this fund.

X. THE ANONYMOUS FUND, which originated in a gift of \$1,000 to the Society in April, 1887, communicated in a letter to the Treasurer printed in the Proceedings (2d series, vol. iii. pp. 277, 278). A further gift of \$250 was received from the same generous friend in April, 1888. The income has been added to the principal; and in accordance with the instructions of the giver this policy is to be continued (see Proceedings, 2d series, vol. xiii. pp. 66, 67). The fund now stands at \$2,629.85.

XI. THE WILLIAM AMORY FUND, which was a bequest of \$3,000, from our associate, the late William Amory, received Jan. 7, 1889. There are no restrictions on the uses to which the income may be applied.

XII. THE LAWRENCE FUND, which was a bequest of \$3,000, from our associate, the younger Abbott Lawrence, received in June, 1894. The income is "to be expended in publishing the Collections and Proceedings" of the Society.

XIII. THE ROBERT C. WINTHROP FUND, which was a bequest of \$5,000, from our late associate, received in December, 1894. No restrictions were attached to this bequest; but by a vote of the Society passed Dec. 13, 1894, it was directed that the income "shall be expended for such purposes as the Council may from time to time direct."

XIV. THE WATERSTON PUBLISHING FUND, which was a bequest of \$10,000, from our late associate, the Rev. Robert C. Waterston, received in December, 1894. The income is to be used as a publishing fund, in accordance with the provisions of Mr. Waterston's will printed in the Proceedings (2d series, vol. viii. pp. 172, 173).

XV. THE ELLIS FUND, which originated in a bequest to the Society of \$30,000, by our late President, Dr. George E. Ellis. The sum was paid into the Treasury Dec. 20, 1895; and to it has been added the sum of \$1,626.15 received from the sale of various articles of personal property, also given to the Society by Dr. Ellis, which it was not thought desirable to keep, making the whole amount of the fund \$31,626.15. No part of the original sum can be used for the purchase of other real estate in exchange for the real estate specifically devised by Dr. Ellis's will.

Besides the bequest in money, Dr. Ellis by his will gave to the Society the dwelling-house No. 110 Marlborough Street, with substantially all its contents. In the exercise of the discretion which the Society was authorized to use, this house was sold for the sum of \$25,000, and the proceeds invested in the more eligible estate on the corner of the Fenway and Boylston Street. The full sum received from the sale was entered on the Treasurer's books, to the credit of ELLIS HOUSE, in perpetual memory of Dr. Ellis's gift.

XVI. THE LOWELL FUND, which was a bequest of the late Hon. John Lowell (H. U., Class of 1843), amounting to \$3,000, received September 13, 1897. There are no restrictions on the uses to which the income may be applied.

XVII. THE WATERSTON FUND, which was received April 21, 1900, in full satisfaction of a bequest from our associate, the late Rev. Robert C. Waterston. Some legal questions having arisen in connection with this bequest, the matter was compromised, and the sum of \$5,000 was received, as stated in the Proceedings (2d series, vol. xiv. pp. 163, 164). The income is to be used for printing a catalogue of the Waterston Library, for printing documents from it, and for making additions to the Library from time to time.

XVIII. THE WATERSTON FUND No. 2, which was a further bequest of \$10,000 from Mr. Waterston, in regard to which there were no legal questions, and which was also received April 21, 1900. The income is to be used for "printing and publishing any important or interesting autograph, original manuscripts, letters or documents which may be in possession of" the Society.

Besides the three Funds, for the creation of which provision was made by Mr. Waterston's will, the Treasurer received,

under the will, the sum of \$10,000, to be applied to the fitting up of a room or portion of a fire-proof building for the commodious and safe keeping of the Waterston Collection. A room was accordingly set apart for that purpose, and the larger part of this sum has been expended in making it convenient and attractive. Some further expenditures must be made on this account, and any balance of cash remaining in the hands of the Treasurer will be used, in accordance with the terms of the will, in adding books to the collection, under the direction of the Council.

The Treasurer also holds a deposit book in the Five Cent Savings Bank for \$100 and interest, which is applicable to the care and preservation of the beautiful model of the Brattle Street Church, deposited with us in April, 1877.

It should not be forgotten that besides the gifts and bequests represented by these funds, which the Treasurer is required to take notice of in his Annual Report, numerous gifts have been made to the Society from time to time, and expended for the purchase of the real estate, or in promoting the objects for which the Society was organized. A detailed account of these gifts was included in the Annual Report of the Treasurer, dated March 31, 1887, printed in the Proceedings (2d series, vol. iii. pp. 291-296); and in the list of the givers there enumerated will be found the names of many honored associates, living or departed, and of other gentlemen, not members of the Society, who were interested in the promotion of historical studies. They gave liberally in the day of small things; and to them the Society is largely indebted for its present prosperity and usefulness.

To the benefactors there mentioned must now be added CHARLES FRANCIS ADAMS, the President of the Society, who, in the summer of 1895, bought a lot of land on the Fenway (3,000 square feet), with a view of adding it to the lot bought by the Society, in case the latter should prove too small. When the plans for the new building were drawn, it was found to be desirable to make some change in the lines of the Society's estate, and the lot bought by the President was conveyed to the Society, with a verbal understanding that he should receive for it an equal quantity of land on Boylston Street. In February, 1901, a portion of unoccupied land on Boylston Street ($2,622\frac{4}{10}$ square feet) was sold to indemnify the Presi-

dent for the land conveyed by him to the Society. The difference (\$3,000) between the sum paid by the President (\$15,000) and the amount received for the land sold (\$12,000) was an absolute gift to the Society, and to this difference must be added the interest on \$15,000 from the date of the original purchase up to the date of sale of the Boylston Street land, a period of nearly six years.

The stock and bonds held by the Treasurer as investments on account of the above-mentioned funds are as follows :

\$10,000 in the five per cent mortgage bonds of the Chicago and West Michigan Railroad Co. ;

\$5,000 in the four per cent bonds of the Rio Grande Western Railroad Co. ;

\$8,000 in the four per cent bonds of the Chicago, Burlington, and Quincy Railroad Co. ;

\$5,000 in the five per cent gold bonds of the Cincinnati, Dayton, and Ironton Railroad Co. ;

\$1,500 in the new four per cent mortgage bonds of the Atchison, Topeka, and Santa Fé Railroad Co. ;

\$2,000 in the adjustment four per cent bonds, and thirty-three shares of the preferred stock of the same corporation, received in exchange for bonds of said corporation held by the Treasurer at the time of its reorganization ;

\$11,000 in the five per cent collateral trust bonds of the Chicago Junction Railways and Union Stock Yards Co. ;

\$10,000 in the new five per cent bonds of the Oregon Short Line Railroad Co. ;

\$10,000 in the five per cent mortgage bonds of the Metropolitan Street Railway Co. of Kansas City ;

\$12,000 in the five per cent bonds of the Lewiston-Concord Bridge Co. ;

\$6,000 in the four and one half per cent bonds of the Boston and Maine Railroad Co. ;

\$8,000 in the four per cent bonds of the American Telephone and Telegraph Co. ;

\$2,000 in the four per cent joint bonds of the Northern Pacific Railroad Co. and the Great Northern Railroad Co. ;

\$15,000 in the six per cent mortgage notes of G. St. L. Abbott, Trustee ;

Fifty shares in the Merchants' National Bank of Boston ;

Fifty shares in the State National Bank of Boston ;

Fifty shares in the National Bank of Commerce of Boston ;

Fifty shares in the National Union Bank of Boston ;

Fifty shares in the Second National Bank of Boston ;

Twenty-five shares in the National Shawmut Bank of Boston ;

Thirty-five shares in the Boston and Albany Railroad Co.;

Twenty-five shares in the Old Colony Railroad Co.;

Twenty-five shares in the preferred stock of the Fitchburg Railroad Co.;

One hundred shares in the preferred stock of the Chicago Junction Railways and Union Stock Yards Co.;

Two hundred shares in the preferred stock of the American Smelting and Refining Co.;

Ten shares in the Cincinnati Gas and Electric Co., received in exchange for five shares in the Cincinnati Gas-Light and Coke Co.

Five shares in the Boston Real Estate Trust (of the par value of \$1,000);

Five shares in the State Street Exchange; and

Three shares in the Pacific Mills (of the par value of \$1,000).

The following abstracts and the trial balance show the present condition of the several accounts:—

CASH ACCOUNT.

		DEBITS.
1901.		
March 30.	To balance on hand	\$2,866.18
1902.		
March 31.	„ receipts as follows:—	
	General Account	3,722.93
	Consolidated Income	10,607.72
	Income of Richard Frothingham Fund	81.90
	Real Estate	731.70
	General Fund	1,214.59
	Investments	11,483.13
	Ellis Fund	326.84
		<u>\$31,034.99</u>
March 31.	To balance brought down	\$1,277.45
		CREDITS.
1902		
March 31.	By payments as follows:—	
	Investments	\$17,818.25
	Waterston Library	594.61
	Income of R. Frothingham Fund	72.20
	Income of Dowse Fund	46.50
	Income of Savage Fund	462.41
	Income of William Winthrop Fund	415.43
	Income of Mass. Hist. Trust Fund	139.80
	Income of E. B. Bigelow Fund	13.50
	Income of Peabody Fund	1,700.67
	Income of Appleton Fund	67.22
	Consolidated Income	97.55
	General Account	8,329.40
	„ balance on hand	1,277.45
		<u>\$31,034.99</u>

GENERAL ACCOUNT.

1901.		DEBITS.	
March 30.	To balance brought down		\$9,930.00
1902.			
March 31.	„ sundry charges and payments :—		
	Salaries of Librarian's Assistants	3,770.66	
	Services of Janitor	900.00	
	Printing and binding	115.25	
	Stationery and postage	83.33	
	Light	76.24	
	Water	73.00	
	Coal and wood	467.50	
	Miscellaneous expenses	428.50	
	Editing publications of the Society	2,000.00	
	Fitting up book shelves, sewer assessment, etc.	414.92	
			<u>\$18,259.40</u>
March 31.	To balance brought down		\$9,826.05

1902.		CREDITS.	
March 31.	By sundry receipts :—		
	Interest	\$54.33	
	Income of General Fund	2,376.41	
	Income of Ellis Fund	1,804.11	
	Income of Dowse Fund	529.90	
	Admission Fees	150.00	
	Assessments	650.00	
	Sales of publications	1,149.22	
	On account of expenses for maintenance, etc.	1,714.64	
	For unused check stamps	4.74	
	„ balance carried forward	9,826.05	
			<u>\$18,259.40</u>

Income of General Fund.

1902.		DEBITS.	
March 31.	To amount placed to credit of General Account		<u>\$2,376.41</u>

1902		CREDITS.	
March 31.	By proportion of consolidated income		<u>\$2,376.41</u>

Income of Richard Frothingham Fund.

1902.	DEBITS.	
March 31.	To amount paid for printing	\$72.20
	„ balance carried forward	1,005.49
		<u>\$1,077.69</u>

1901.	CREDITS.	
March 30.	By balance brought forward	\$822.87
1902.		
March 31.	„ copyright received	81.90
	„ proportion of consolidated income	172.92
		<u>\$1,077.69</u>
March 31.	By amount brought down	\$1,005.49

Income of Ellis Fund.

1902.	DEBITS.	
March 31.	To amount carried to General Account	<u>\$1,804.11</u>

1902.	CREDITS.	
March 31.	By proportion of consolidated income	<u>\$1,804.11</u>

Income of Savage Fund.

1902.	DEBITS.	
March 31.	To amount paid for books	<u>\$462.41</u>
March 31.	To balance brought forward	\$5.36

1901.	CREDITS.	
March 30.	By balance brought forward	\$111.21
1902.		
March 31.	„ proportion of consolidated income	345.84
	„ balance carried forward	5.36
		<u>\$462.41</u>

Income of E. B. Bigelow Fund.

		DEBITS.	
1902.			
March 31.	To amount paid for books		\$13.50
	„ balance carried forward		587.99
			<u>\$601.49</u>
		CREDITS.	
1901.			
March 30.	By balance brought forward		\$486.21
1902.			
March 31.	„ proportion of consolidated income		115.28
			<u>\$601.49</u>
			<u>\$587.99</u>

Income of Massachusetts Historical Trust Fund.

		DEBITS.	
1902.			
March 31.	To amount paid for copying		\$139.80
	„ balance carried forward		3,610.18
			<u>\$3,749.98</u>
		CREDITS.	
1901.			
March 30.	By balance brought forward		\$3,173.58
1902.			
March 31.	„ proportion of consolidated income		576.40
			<u>\$3,749.98</u>
			<u>\$3,610.18</u>

Income of Dowse Fund.

		DEBITS.	
1902.			
March 31.	To amount paid for curtains		\$46.50
	„ balance transferred to General Account		529.90
			<u>\$576.40</u>
		CREDITS.	
1902.			
March 31.	By proportion of consolidated income		\$576.40
			<u>\$576.40</u>

Income of Peabody Fund.

1902.		DEBITS.	
March 31.	To amount paid for printing and binding	\$1,700.67	
	„ balance carried forward	281.80	
			<u>\$1,982.47</u>

1901.		CREDITS.	
March 30.	By balance brought forward	\$707.28	
1902.			
March 31.	„ proportion of consolidated income	1,275.19	
			<u>\$1,982.47</u>
March 31.	By balance brought forward	\$281.80	

Income of William Winthrop Fund.

1902.		DEBITS.	
March 31.	To amount paid for binding	\$415.43	
	„ balance carried forward	376.03	
			<u>\$791.46</u>

1901.		CREDITS.	
March 30.	By balance brought forward	\$618.54	
1902.			
March 31.	„ proportion of consolidated income	172.92	
			<u>\$791.46</u>
March 31.	By balance brought forward	\$376.03	

Income of Appleton Fund.

1902.		DEBITS.	
March 31.	To amount paid for printing and binding	\$67.22	
	„ balance carried forward	3,747.81	
			<u>\$3,815.03</u>

1901.		CREDITS.	
March 30.	By balance brought forward	\$3,111.63	
1902.			
March 31.	„ proportion of consolidated income	703.40	
			<u>\$3,815.03</u>
March 31.	By balance brought forward	\$3,747.81	

TRIAL BALANCE.

DEBITS.

Cash	\$1,277.45
Investments	196,654.72
Real Estate	97,593.32
General Account	9,826.05
Income of Savage Fund	5.36
	<u>\$305,356.90</u>

CREDITS.

Building Account	\$72,593.32
Ellis House	25,000.00
Appleton Fund	12,203.00
Dowse Fund	10,000.00
Massachusetts Historical Trust-Fund	10,000.00
Peabody Fund	22,123.00
Savage Fund	6,000.00
Erastus B. Bigelow Fund	2,000.00
William Winthrop Fund	3,000.00
Richard Frothingham Fund	3,000.00
General Fund	43,174.43
Anonymous Fund	2,629.85
William Amory Fund	3,000.00
Lawrence Fund	3,000.00
Robert C. Winthrop Fund	5,000.00
Waterston Publishing Fund	10,000.00
Ellis Fund	31,626.15
Lowell Fund	3,000.00
Waterston Fund	5,000.00
Waterston Fund No. 2	10,000.00
Waterston Library	4,016.89
Income of Peabody Fund	281.80
Income of Lowell Fund	709.73
Income of Appleton Fund	3,747.81
Income of William Winthrop Fund	376.03
Income of Massachusetts Historical Trust-Fund	3,610.18
Income of Richard Frothingham Fund	1,005.49
Income of William Amory Fund	439.56
Income of E. B. Bigelow Fund	587.99
Income of Lawrence Fund	1,173.19
Income of Robert C. Winthrop Fund	1,806.71
Income of Waterston Publishing Fund	3,613.41
Income of Waterston Fund	546.12
Income of Waterston Fund No. 2	1,092.24
	<u>\$305,356.90</u>

The aggregate amount of the invested funds is \$184,756.43. The securities which represent these funds stand on the Treasurer's books at their net cost \$196,654.72; but their market value is considerably higher.

The income for the year derived from these investments and credited to the several funds, in proportion to the amount at which they stand on the Treasurer's books, was a little more than five and one-half per cent.

CHARLES C. SMITH, *Treasurer*.

Boston, March 31, 1902.

Report of the Auditing Committee.

The undersigned, a Committee appointed to examine the accounts of the Treasurer of the Massachusetts Historical Society, as made up to March 31, 1902, have attended to that duty, and report that they find them correctly kept and properly vouched; that the securities held by the Treasurer for the several funds correspond with the statement in his Annual Report; that the balance of cash on hand is satisfactorily accounted for; and that the Trial Balance is accurately taken from the Ledger.

ARTHUR LORD,
JAMES F. HUNNEWELL, } *Committee.*

Boston, April 7, 1902.

Mr. HUNNEWELL, from the Committee, stated that, in addition to the regular audit, he had ascertained, as nearly as possible, the market value of the invested funds, and had found that it amounted to \$226,300, or fully 15 per cent above the cost of \$196.654.

The Librarian read his Annual Report as follows:—

Report of the Librarian.

During the year there have been added to the Library:—

Books	527
Pamphlets	1,392
Unbound volumes of newspapers	24
Bound volumes of newspapers	78
Broadsides	5
Maps	9
Manuscripts	38
Bound volumes of manuscripts	4

In all 2,077

Of the books added 353 have been given, 104 bought, 1 by exchange, and 69 by binding. Of the pamphlets added, 1275 have been given, 112 bought, and 5 procured by exchange.

From the income of the Savage Fund there have been bought 104 volumes, 112 pamphlets, 2 unbound volumes of newspapers, 1 map, and 1 broadside; and 9 volumes, containing 27 pamphlets, have been bound.

From the income of the William Winthrop Fund there have been bound 60 volumes, containing 303 pamphlets, and 77 volumes of newspapers.

Of the books added to the Rebellion Department, 6 have been given, and 22 bought; and of the pamphlets added, 17 have been given, and 23 bought. There are now in the collection 2702 volumes, 5131 pamphlets, 818 broadsides, and 108 maps.

In the collection of manuscripts there are 1,017 volumes, 192 unbound volumes, 97 pamphlets with manuscript notes, and 7693 manuscripts.

The Library contains at the present time about 43,000 volumes; and this enumeration includes the files of bound newspapers, bound manuscripts, and the Dowse Collection, but does not yet include the Waterston Collection nor the Ellis Collection. The number of the Waterston books will be added to the aggregate during the coming year. The Ellis books are now in process of cataloguing; and when the work is finished, these will be added to the aggregate. During the year there have been catalogued 412 volumes and 1 pamphlet. The Jefferson manuscripts in due time will be placed in folio volumes, when they, too, will be added to the enumeration.

Two volumes of autograph letters, handsomely mounted, have been received. They belonged to the collection of Mr. and Mrs. Alexander C. Washburn, given at the Annual Meeting nine years ago; and since that time, agreeably to the wishes of Mrs. Washburn, they have been in the possession of her sister, Mrs. Laura Margaret (Bailey) Moore.

The number of pamphlets now in the Library, including duplicates is 104,559; and the number of broadsides, including duplicates, is 4,066.

Respectfully submitted,

SAMUEL A. GREEN,

Librarian.

April 10, 1902.

The Cabinet-Keeper read his Report : —

Report of the Cabinet-Keeper.

The Cabinet-Keeper would report that the gifts during the year, which have been reported as they were received, have been of much interest and value.

A copy by Miss Rosamund L. Smith in June, 1901, of Grundmann's portrait of our associate and benefactor the late Rev. Robert C. Waterston has been placed in the Waterston Room.

The portrait of Judge Samuel Sewall, by Smibert, from the estate of Miss Henrietta B. Ridgway, has been hung in a conspicuous place in the hall.

Rev. Edward J. Young, D.D., has presented a beautiful photograph of an oil painting of his father, the Rev. Alexander Young, D.D., minister of the New South Church in Boston, and a former Secretary of the Society.

A marble bust of William W. Story, modelled by himself in Rome, Italy, in the year 1887, and presented by his son Waldo Story, has been placed in the Dowse Library.

One of the bronze medals struck for the Yale University Bi-centennial celebration, was presented in behalf of the University by Rev. Morton Dexter.

Other gifts have been

Twenty-four photographs and half-tones of persons and of buildings connected with Worcester and vicinity. From Nathaniel Paine.

A photogravure of John Marshall, by A. W. Elson, 1896, engraved by permission of the Law Association of Philadelphia from the original portrait by Henry Inman owned by that Society. From James M. Barnard.

An engraving, on Japan paper, by Sidney L. Smith, 1901, of the Hancock House, 1860, being No. 4 of the publications of the Iconographic Society. From James F. Hunnewell.

A photograph of a painting, supposed to be of Caleb Strong, owned by William Power Wilson, of Boston. From Arthur Lord.

A lithograph of a steel engraving of the "City of Washington," 1834, made in 1874 by N. Peters, Washington. From Henry Cabot Lodge.

A copperplate view of Boston, from the Ship House, Navy Yard, by W. J. Bennett, 1833. A restrike, 1901, from the plate owned by the Club of Odd Volumes. From the Club.

A medal struck to commemorate the one hundredth anniversary of

the establishment of the seat of Government in the District of Columbia, December 12, 1900, made by R. Harris & Co., Washington. From Charles Francis Adams.

A framed engraving of Samuel C. Cobb, by F. T. Stuart. From the Misses McCleary.

A photograph, by N. L. Stebbins, of the punch bowl used by the Boston Tea Party and now in the possession of the Historical Society. From Samuel L. Boardman.

A photograph, on porcelain, of John G. Palfrey. From Charles Eliot Norton.

An oil painting, by R. M. Sully, of "Mammy Sally Brown," who died on July 11, 1842, an old and faithful servant belonging to the estate of Col. William Heth, of Curles, Virginia; also a photograph of the same. From John P. Reynolds, Jr.

A photograph of the Historical Society's portrait of Thomas Wallcut. From Pach Brothers, Cambridge.

A photograph of Harding's portrait of Christopher Columbus Baldwin, Librarian of the American Antiquarian Society, 1822-30, 1831-35. From Nathaniel Paine.

A photograph, by W. Jay Little, of the Historical Society's portrait of Charles Paxton. From Miss Ellen Chase.

A restrike of the copperplate engraving, by John Hall, published by John Boydell, London, June 12, 1775, of Benjamin West's painting of "William Penn's Treaty with the Indians," 1681. From Horace J. Smith.

A photogravure, by Elson, of J. Harvey Young's portrait of John Ward Dean. From William P. Greenlaw.

A photograph, by the Moulton Photographic Company, Salem, 1856, of the "Old Witch House." From Henry R. Gardner.

A photograph, by N. L. Stebbins, of the Historical Society's portrait of Benjamin Lincoln. From Mr. Stebbins.

Six pieces of money, \$1, \$2, \$7, \$8, State of Massachusetts Bay, May 5, 1780. From the Boston Public Library.

A framed photograph of George Dexter, Recording Secretary of the Historical Society, 1878-83. From Charles C. Smith.

The Cabinet has been open to the public on Wednesday afternoons, but the number of visitors has not been large enough to make it necessary to open it more frequently; the summer months, however, may bring an increase.

The Cabinet-Keeper hopes that his plans for the arrangement and display of the collections in his charge, which have necessarily been postponed by unfavorable circumstances, may be

carried out in the near future, and that steps may soon be taken for the preparation of a new catalogue, the need of which was pointed out by his predecessor.

He asks that members elected since the last Annual Meeting furnish their photographs for the Society's collection, and repeats the request that other members, who have neglected to do so heretofore, do the same favor.

Respectfully submitted,

HENRY F. JENKS, *Cabinet-Keeper*.

Rev. MORTON DEXTER read the Report of the Committee appointed to examine the Library and Cabinet:—

Report of the Committee on the Library and Cabinet.

We have attended to the duty assigned to us. Both the Library and the Cabinet appear to be in good condition and to be managed efficiently. We have no suggestions to offer, beyond repeating that made by one or two similar committees in recent years, namely, that the policy of getting rid of material inappropriate to the library of such a society as this should be continued. As to what is appropriate, there is room for some difference of opinion, but in our judgment considerably more remains to be done in the line of elimination. At present there is more room upon our shelves than we need, but—apart from the question of room, which itself will become pressing before many years—the Library seems to us to include many works having no distinct relation to the character and purpose of the Society and mostly to be consulted readily elsewhere.

MORTON DEXTER.

JAMES DE NORMANDIE.

S. LOTHROP THORNDIKE.

Mr. JAMES SCHOULER, chairman of the Committee to nominate Officers, reported the following list; and the gentlemen named were duly elected:—

For President.

CHARLES FRANCIS ADAMS.

For Vice-Presidents.

SAMUEL ABBOTT GREEN.

THOMAS JEFFERSON COOLIDGE.

For Recording Secretary.

EDWARD JAMES YOUNG.

For Corresponding Secretary.

HENRY WILLIAMSON HAYNES.

For Treasurer.

CHARLES CARD SMITH.

For Librarian.

SAMUEL ABBOTT GREEN.

For Cabinet-keeper.

HENRY FITCH JENKS.

For Members at Large of the Council.

JAMES FORD RHODES.

THORNTON KIRKLAND LOTHROP.

ANDREW MCFARLAND DAVIS.

ARCHIBALD CARY COOLIDGE.

WILLIAM ROSCOE THAYER.

Dr. Green having been elected to fill two offices, thereby reducing the actual number of members of the Council below thirteen, it was voted, on motion of Mr. Solomon Lincoln, of the Nominating Committee, that Mr. Worthington C. Ford be elected an additional member, to serve during the ensuing year.

Mr. MELVILLE M. BIGELOW made, in substance, the following remarks in regard to our late associate James Bradley Thayer : —

Lateness of the hour at our last meeting, after the remarks of others concerning Mr. Thayer, prevented me from saying some things which I think might well be said of him, namely, in regard to his power of condensation as a writer. Mr. Thayer had the rare ability of writing a small book well on a great subject. I hope that his book on the Development of the Jury will not be overlooked in the natural and just commendation of his larger and latest one on Evidence. The former is, no less than the latter, a remarkable book, though it contains less than two hundred pages. Small books on legal subjects are apt to be mere manuals, and even then of no high order of merit. Professor Thayer's book on the his-

tory of the jury is one of the few notable exceptions. It deserves to rank with Blackburn on Sale, a book well known to all lawyers; and higher praise could not be given. Or, if Professor Thayer's book is to be compared with a larger work more like it, it deserves to be placed by the side of Holmes on the Common Law.

It is a remarkable book, on a great subject. The jury has played a large part in the history of English civilization, and here we have it presented as never before, and, I venture to think, for all time. There are other works on the English jury, historically considered, — there is the well-known book by Forsyth, — but none of them are first rate, none will bear comparison with this little book by Professor Thayer. How interesting and important the part of the jury in constitutional history may be inferred from the passionate devotion to it of our ancestors in the provincial period of Massachusetts, when the Admiralty Court was under discussion; and still more in the time of the Revolution. The provisions concerning jury trial in our first State Constitutions, and in the amendments to the Federal Constitution in the First Congress, strikingly show what the jury was to the men of the eighteenth century. If the jury — in civil causes — has fallen on evil times in our day, it has none the less been one of the great safeguards of English and American liberty, and deserves, in all its long history, to be understood by every intelligent man.

Historians are now telling us of the dangers from which England was saved by the great religious awakening of the eighteenth century, followed, as inevitably it was, by an awakening to civic righteousness. But London, with its great mass of restless and dangerous men, was much less affected than the rest of England, and London's safety in certain times of danger was, I think, largely due to trial by jury. In the time of Lord Mansfield London was more than once threatened with outbreak. Recall the Wilkes' troubles, the expulsions and the defiant elections and re-elections of Wilkes, the many criminal prosecutions for libel which followed, and all the attendant excitement. The jury did much to avert the impending danger; juries insisted upon their rights, and London was saved. Let us not forget another great fact, that in the integrity of trial by jury no man can or ever could be compelled to give testimony against himself in a criminal cause.

To condemn a man by evidence forced out of his own mouth is and always was contrary to the very spirit of that mode of trial.

Professor Thayer's book gives us the whole history of trial by jury on English soil, and I earnestly commend it to the attention of all our historians, especially our constitutional historians.

Mr. WILLIAM S. APPLETON presented a privately printed volume of Family Letters from the originals in the Bodleian Library, edited by himself.

Remarks were also made during the meeting by the PRESIDENT, and by Messrs. BARRETT WENDELL, EDMUND F. SLAFTER, ANDREW MCF. DAVIS, and CHARLES C. SMITH.

After the adjournment, the members, with invited guests, were entertained at luncheon in the Ellis Hall by the President.

MAY MEETING, 1902.

THE stated meeting was held on Thursday, the 8th instant, at three o'clock, P.M.; the President, CHARLES FRANCIS ADAMS, LL.D., in the chair.

After the reading of the record of the Annual Meeting and of the list of donors to the Library during the last month, Messrs. Edward J. Young, Alexander McKenzie, and Charles C. Smith were appointed the Committee to publish the Proceedings for the current year.

Edward McCrady, A.B., of Charleston, South Carolina, author of a History of that State, was elected a Corresponding Member.

Hon. DANIEL H. CHAMBERLAIN, having been called on, read the following paper:—

The Historical Conception of the United States Constitution and Union.

A recent dictum of one of the most eminent of English scholars, one whom I do not hesitate to regard as the greatest living master of the English language as well as one of the foremost of historical critics and judges, seems to me to call for reflection and comment on the part of all those of our people who are studious of our history or solicitous of our national security. I refer to the article of our oldest Corresponding Member, Professor Goldwin Smith, in the March number of the "Atlantic Monthly" of the present year, entitled "England and the War of Secession." The passage referred to is as follows:—

"Had the issue [of the War of Secession] been, as Lincoln, Seward, and Congress represented it as being, merely political and territorial, we"—that is, Englishmen—"might have had to decide against the North. Few who have looked into the history can doubt that the Union originally was, and was generally taken by the parties to it to be, a compact, dissoluble, perhaps most of them would have said, at pleasure, dissoluble certainly on breach of the articles of Union."

If such an opinion as this has hitherto been held or expressed by Professor Smith, it has escaped my attention. On the contrary, so far as my recollection serves, no hint of such an opinion has hitherto appeared. In his "Political History of the United States," he has written: "Whether the Constitution was a compact, as parties to which the States retained their independent existence, or an incorporating Union, in which the independent existence of the States was merged, was a question left by the framers to settle itself and which was ultimately decided by the sword." (p. 123.) While this lacks much of being an accurate or complete statement of the different or conflicting leading theories of the nature of the Union, it does not seem to express or even foreshadow the position now taken in the "Atlantic Monthly."

It would have seemed natural that so sweeping a denial of what may safely be said to be the general thought and opinion of the people of this country should be accompanied by some reference, more or less extended and explicit, to the facts, to the historical and forensic considerations, warranting an opinion which the writer could not have failed to know would be not only most surprising, but most unwelcome, to a vast majority of his readers in the United States. The opinion stands unsupported by a word, unexplained by a syllable.

Professor Smith's dictum has had at least one precursor, which even surpasses it in its absolute and unqualified terms. I refer to the dictum of a Resident Member of our Society, Mr. Henry Cabot Lodge, in his biography of Webster. Mr. Lodge, in closing his notice of Webster's reply to Hayne, says: "When the Constitution was adopted by the votes of States at Philadelphia, and accepted by the votes of States in popular conventions, it is safe to say, that there was not a man in the country, from Washington and Hamilton on the one side, to George Clinton and George Mason on the other, who regarded the new system as anything but an experiment entered upon by the States, and from which each and every State had the right peaceably to withdraw, — a right which was very likely to be exercised."¹

This astonishing dictum, too, stands unsupported by a single reference to historical facts. Some vague general remarks fol-

¹ Pp. 176, 177. See also "A Students' History of the United States" by Edward Channing, Professor of History in Harvard University; Macmillan Co., 1899. Pp. 270, 271, 415-419.

low it, intended to show how in the process of time the idea of nationality grew up and was expressed by Webster; but the assertion that no idea of a nation, an indissoluble Union, was in the thoughts of those who framed the Constitution in 1787 or of those who adopted it in 1789, stands as a bald, undefended dictum. If it seems remarkable that Professor Smith did not think it worth while to support his dictum by argument or fact, it passes comprehension that Mr. Lodge should have been willing to utter his dictum without comment or defence.

Surely there is no historical or forensic question, no political or legal issue, no subject which, upon all its sides, — in its nature or in its consequences, in the constant vitality of its interest, in its intellectual, moral, and patriotic phases and influences, — can ever surpass, if it can equal, in importance for Americans the question thus presented and passed upon by Professor Smith and Mr. Lodge.

Both Professor Smith and Mr. Lodge recognize and admit that in later years, as in 1830 when Webster defended the Union, and in 1860 when Lincoln resisted secession, the national idea was developed and dominant, and that Webster and Lincoln were then right; but each claims that historically, as a matter of historical fact, in 1787 and 1789 it was neither intended to form, nor was it supposed there had been formed, an indissoluble Union, or a nation.

The importance of this question is hardly diminished by the admission that the idea of an indissoluble union is now almost undisputed as a present sentiment or purpose of the American people. On this Professor Smith remarks, after stating the change of opinion on this point wrought in the course of half a century: "If through the admission of new states incorporated on the national principle, compact had been insensibly superseded by nationality, this did not alter legal relations." This is true and will be true to the end. If the Union rests historically on compact alone, or if in its origin it was a dissoluble compact only between the States; if it was, as Mr. Lodge affirms, "a mere experiment from which each and every state had the right peaceably to withdraw," and from which they were likely to withdraw; then the right peaceably to withdraw exists to-day. No new fundamental theory of the relation of the States to the Union, or of the nature of the Union itself, — whether a compact, or league, or confederacy, on the one

hand, or a perpetual, indefeasible nation or union, on the other, — has been enacted by law or constitution since 1789. In this respect the rights of the States, the rights and powers of the Union, are in law the same as they were one hundred and thirteen years ago. If any part of the States should now or hereafter become dissatisfied, and desire to throw off the bond of the Union, I know of no legal or constitutional hindrance now which did not exist in 1789, in 1830, or in 1860. If in 1789, when the Constitution was adopted, our scheme or system of government was a mere experiment from which each and every State had the right peaceably to withdraw, as Mr. Lodge asserts, then it is legally and constitutionally no more to-day. Or if, as Professor Smith asserts, the Union was at first a compact, dissoluble at pleasure, or certainly on breach of the articles of Union, then it is so to-day.

Historical facts are the stubbornest, the most persistent of all facts. If our Union was as an historical fact created by mere compact, dissoluble at pleasure of any party to it; if as an historical fact it was entered upon as a mere experiment from which each and every State had the right, and probably would exercise the right, peaceably to withdraw, then our Union of to-day is just what it was then, and no more. Opinion to-day, convenience to-day, good policy to-day, may be for the Union; but if to-morrow opinion or convenience or policy should point against the Union, it is as dissoluble and experimental as it was a hundred years ago. If, on the other hand, it be historically true that the Union was from the first the outward form of a true nation, the expression and sign of a government whose authority and existence was intended to be perpetual, “an indestructible Union composed of indestructible States,” then such is the Union to-day; and such it will remain till the end.

“Actions and words,” says a great historical writer, “are carved upon eternity. Opinions are but forms of cloud created by the prevailing currents of the moral air.”¹ The actions and words which created and expressed the union and government which began their career in 1789 must forever stand till changed through the authorized methods, and by those to whom the power of change belongs, as the legal measure of the powers and rights, the duties and obligations of all who are concerned

¹ J. A. Froude, “Short Studies on Great Subjects.”

with that union and government, whether it be the nation, the States, the people of the nation, or the people of the States, or the individual citizens of the nation or of the States. The actions and the words of 1789 are unchanged to-day. They are, therefore, to-day, as they were in 1789, the rule and measure of legal right in all the relations of those whom they concern.

It is not enough, when legal rights are doubted or assailed, to appeal, however confidently, to current sentiment or opinion which may forbid, however peremptorily, the assertion of legal rights. Certainly under a written Constitution, safety can be found only in such relations as may be historically and forensically established and defended at all times as the meaning and intent of the instrument. Actions and words, history and text, must combine to make unassailable, in the forum of reason and law, the foundations of any enduring political fabric created by a written document. Opinions may come and go, the pendulum of popular feeling or prejudice may swing from side to side through its whole arc, but if the historical and forensic foundations remain unshaken, the structure may stand.

Mr. Lodge fully concedes that when Webster replied to Hayne, the popular idea of the Constitution was no longer that of an experiment from which the contracting parties had a right to withdraw, but that it had become the charter of a national government; he makes Webster's great service consist not in setting forth the constitutional foundations as laid and understood in 1789, but in expressing the popular conception of the Union which had grown up since 1789. Certainly, Webster did not so regard his effort. Throughout his great argument his position is that the Constitution originally created, and was originally intended to create, a perpetual and indissoluble Union. Every step of the argument rests on the language and intent of those who wrote and those who adopted the Constitution, and not at all on any change or growth or condition of popular conceptions of the meaning of the Constitution, or of the intent of its framers. This is true, equally true, of all our leading authorities, either upon the history or origin of our government, or upon the nature and provisions of the Constitution.

I have said that it is surprising that eminent writers, such as Professor Smith and Mr. Lodge, should not pay even the small tribute of respect to prevailing notions and convic-

tions, of some explanation or defence of their startling opinions. It would be our duty to consider carefully all reasons given for conclusions so contradictory to our preconceptions and accustomed views. Historical truth is never to be disowned or contradicted. No change of circumstances, no new currents of interests, no practical or political necessities, can ever warrant or excuse the denial or falsification of historical facts. If the people of this country have been or are now ready and determined to maintain at all hazards the national view of our government, that determination would excuse no one for asserting facts not historically true, nor for discrediting or denying what is historically true, regarding the origin of our government, and the intentions of the actors of 1787 and 1789.

In the absence of any effort on the part of Professor Smith or Mr. Lodge to make good their dicta, it seems sufficient for the purposes of this paper to traverse their opinions and conclusions, and to state broadly but briefly what seem to be the true historical conclusions and facts.

The thirteen original States which formed the original Union of 1789 were dependencies of Great Britain, actually and theoretically, until 1776. In that year they asserted their independence, declaring in terms "that these united colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved; and that as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all acts and things which independent States may of right do."

This declaration and its terms are historical facts. It is true, too, that the colonies had, as was natural and inevitable, been associated with each other in promoting common interests and meeting common dangers prior to 1776. The New England colonies had combined for mutual protection against the Indians as early as 1643, under the name of the United Colonies of New England. Mere propinquity or neighborhood led to constant acts of association between different colonies. In 1754 a call was made, in view of the war with France, for a Congress of all the colonies at Albany. Only

the four New England colonies, with New York, Pennsylvania, and Maryland, attended. Franklin here proposed a plan of union of all the colonies which had a strong resemblance to the later Federal Union, but though the plan was approved by the Congress, it met with no popular favor in the colonies.

In October, 1765, the representatives of nine colonies met in Congress at New York, and drew up a declaration of rights and a memorial to Parliament. A Congress of all the colonies met at Philadelphia in September, 1774, and was dissolved in October, 1774, having passed a resolution recommending delegates to meet again May 10, 1775. Agreeably to this recommendation, another Congress was convened, May 10, 1775, at Philadelphia. Washington was elected General of all the Continental forces raised or to be raised, and, July 4, 1776, the Declaration of Independence was made and signed by the members of this Congress.

These instances of associated action on the part of the colonies — sometimes limited to a part of the colonies, sometimes embracing them all — are historical facts. From them it has by some been attempted to reach the conclusion that the colonies had become a veritable nation before 1776. It is hardly a sound conclusion. Up to this time the association of the colonies involved nothing more than mutual support and concerted action in the presence of common dangers. No legal ties bound them together. The instinct of co-operation for self-defence was the only bond of union. The Declaration of Independence undoubtedly gave additional force to their association. In it and for its support the representatives of the several colonies pledged to each other their lives, their fortunes, and their sacred honor. Seven years of war followed, ending in a treaty with Great Britain by which the thirteen States were by name declared to be free and independent.

These are historical facts. Their significance is clear to the extent of showing that the colonies had for many years acted together in meeting dangers and in seeking independence. That this united action had created a nation in a legal or juridical or political sense is not clear. The sound inference and conclusion is that the people of the several colonies before the Declaration of Independence, and of the several States after the Declaration, had acted together and

had become habituated to united action, and were ready to enter upon a final relation which should render them a true and proper nation. If by a nation we mean an organized political community with a sovereign government to which all its citizens are subject, I do not find such a nation at any time before the final adoption of the Articles of Confederation by the delegates of all the States in 1781. It is clear that Congress in appointing a committee in 1776 to prepare a form of confederation of the States were seeking to turn the previous purely voluntary union or concerted action of the several States into a stronger and more permanent union, in which the central government or power should have the attributes of a sovereign government. The Articles of Confederation were intended to form a nation, a political community having sovereign powers over the people within its territory. The articles were styled "Articles of Confederation and Perpetual Union between the States." In detail, the government so formed was called a confederacy of States; not one nation or people with one sovereign government, but a league of States bound together by an agreement which dealt with and looked to States only. Each State retained in terms its sovereignty, freedom, and independence. The rights and powers conferred were centred in a Congress, in which each State had one vote. While containing provisions well suited, if enforced or enforceable, to establish a real sovereign government, the articles gave no power of coercion or enforcement of the powers conferred on Congress. It provided for no real sovereign government. It did not create a nation.

The evils of the Confederacy constantly increased. They became intolerable. The Convention of 1787 was an effort, a second effort, to remedy these evils, to create a sovereign government of such a character and strength as should ensure order at home and respect abroad. Here we reach the crisis, the determining point in our political career, the point where historical evidences must be studied in order to determine both the purpose of the framers of our present system and the meaning of the language in which they expressed their purpose. Prior to 1789 the most that can be safely affirmed is that there was tendency, growth, movement, effort, towards the construction of a national system. No proper nation or sovereign government had existed prior to 1789. Some

writers, some jurists, have gone so far as to hold and assert that the nation is older than the Union of 1789. In his inaugural address in 1861, Lincoln said: "The Union is much older than the Constitution." In a sense this is true, as I have already explained. But if by union or nation is meant an organized single political community subject to a single sovereign government, I see no historical foundation for the statement.

But this is not now the essential historical inquiry. The inquiry is, in view of Professor Smith's and Mr. Lodge's dicta, — Was a nation formed in 1789 by the adoption of the Constitution, which is, and was originally intended to be, perpetual and indissoluble, except, of course, by force or common consent?

There are two sources to which we may go for answer to this question: (1) The instrument of union and government which evidences the intention of its authors and of those who adopted it; and (2) the historical facts which attended the making and adopting of this instrument. It need not be said that written instruments rarely explain themselves so clearly and fully as to require no aid beyond their simple text. Nor need it be more than remarked that among all the evidences of intent of parties to a written instrument, outside the words of the instrument itself, the foremost in value is what we know as contemporaneous exposition, — the utterances and the silences, the words and the acts, of those who made or were privy in knowledge to the making of the instrument. Contemporaneous exposition cannot be said to be the ground of Professor Smith's and Mr. Lodge's views. Their dicta are concerned only with alleged contemporaneous opinion, Professor Smith telling us that the Union was and was taken to be a dissoluble compact, and Mr. Lodge that everybody in 1789 regarded the new system as no more than an experiment from which every State might withdraw at pleasure, — a right likely to be exercised.

The obvious true course in meeting such assertions is, first, to examine the language of the Constitution, and next to examine the evidences outside the Constitution which indicate the intention of the parties, the framers of the Constitution.

I propose here only to state results compendiously.

The Constitution declares itself to be the work of the "people of the United States." It is possible, but it is not wise, to attach undue importance to this phrase. In its natural or ordinary sense, it would plainly signify a body or collection of persons inhabiting territory called the United States. Certainly on their face these words do not indicate that the parties acting are States, or are the people of the States. There seems to be no possibility that these words could have been used to signify the States, or the separate people of the several States.

The people of the United States "do ordain this Constitution for the United States of America." Surely this is not the language of a compact between separate states. It is a Constitution for one state or nation,—the United States of America. A constitution is not, in ordinary parlance, if ever, the synonym or equivalent of a compact or league. It means, etymologically as well as in a legal sense, a system of fundamental rules for the government of a nation or state. Nothing can be better than Mr. Webster's words: "What is a constitution? Certainly not a league, compact, or confederacy, but a fundamental law." The word "constitution" is repeated ten times in the instrument, and in every instance with a meaning like that when first used. The words "compact, league, confederacy," or their synonyms, nowhere occur, except in paragraph 3 of section 10 of Article I., by which it is provided that "No state shall, without the consent of Congress . . . enter into any agreement or *compact* with another state." Unless there can be given reasons why the word "constitution" does not here have its usual meaning, or rather, unless it can be shown that it has here a meaning quite repugnant, if not opposite, to its usual meaning, then this preamble or statement of the nature of the document which follows, means that it is the fundamental law of the nation called the United States of America, ordained by the people of the United States.

So far there is no room for dispute or argument. Up to this point, there is no possibility of the truth of the dicta of a dissoluble compact or an experiment from which every State may peaceably withdraw. In truth, up to this point, there is no possibility of a compact being involved or of a State withdrawing. There is simply no compact; there is simply

no state. There is only a constitution, a nation or organism called the United States of America, and a people of the United States. All this stands in the forefront of this discussion. This is the badge put at the outset on the instrument we are concerned with. What follows must be read in the light of these opening words, unless they are clearly limited or contradicted by what follows. I claim nothing here but the plain, unforced, undeniable meaning of the words used. This preamble is not a grant of power. It is not a substantive provision of the Constitution, as overzealous Unionists have often tried to maintain. It is merely a formal, deliberate, solemn, if you please, statement of the character of the instrument which follows. Its authority as such is final. The instrument *is* a constitution; it is *not* a compact. It is not ordained by the States; the States are not parties to it. It is ordained by the people of the United States. It is not ordained or agreed upon or acceded to by the States or by the people of the States. The people of the States, or the States, have nothing to do with it.

In my humble but mature judgment, the argument might well close here, unless it can at this point be shown that words do not here have their ordinary or invariable force; but it is well to look further, and to see if the instrument which follows contradicts or modifies or changes the character which it gives itself in its preamble. We find the Constitution proceeding at once to define, limit, distribute, and apportion the powers which are to be exercised by, or are "vested in" what it specifically calls "the government of the United States or in any department or officer thereof"; among which is "the power to make all laws which shall be necessary and proper for carrying into effect the powers hereby granted by the Constitution." We find also an enumeration of the powers which are denied to the States and to the United States. We find next the provision that "this Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land; and the Judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

This absolute, unqualified supremacy given to the Consti-

tution and laws of the United States, over the Constitution and laws of any State, is a proof too plain to warrant argument, that the Union or government set up and ordained by the Constitution is not a compact between States, but is the fundamental law or Constitution of the United States.

Here, again, we might well pause and await opposing proofs. Nothing in point of reason or of fact is clearer than that, if language has fixed value or force, the Constitution is not a compact, dissoluble or indissoluble, nor an experiment from which any State has the right to withdraw peaceably or forcibly, or in any way. It is, as plainly as language can make it, a fundamental charter of government, of the government of the United States, ordained by nobody but the people of the United States, in terms necessarily perpetually subordinating the States, each and every of them, to the supreme law of the land, the Constitution and laws of the United States.

But the crowning evidence of the intent of the authors of the Constitution to make a government and union supreme and perpetual over the States, and over all the people of the United States, without regard to the States or the people of the States, is still to be noticed. And when this is said to be the intent of the authors of the Constitution, it is the exact equivalent of saying that it was the intent of all the people of the United States and of all who were concerned in the transaction. When language is plain and unmistakable, the parties who use it, or in whose name and behalf it is used, are conclusively bound by it. If ever language was plain and unequivocal, the language of the Constitution, to which attention has now been called, is plain and unequivocal.

The Constitution having proclaimed that in its nature it was a constitution or fundamental law of a nation called the United States of America, that it was ordained by the people of the United States, and that it was supreme over all State constitutions and laws, next proceeds to provide a mode of finally and authoritatively settling all disputed questions which may arise, touching any matters arising under the Constitution, laws, or treaties of the United States. To accomplish this, the judicial power of the United States is extended by the Constitution to "all cases in law or equity arising under this Constitution, the laws of the United States and treaties made or to be made under their authority."

With this provision the Constitution became a charter of a true government, a government capable, if physical force were adequate when needed, of reaching to and controlling every person within the boundaries of the United States, without the smallest necessary reference to the wishes, prejudices, opinions, or feelings of the States, or the State governments, or the people of the States, as separate communities.

And now the challenge may safely go out to all men everywhere to point to one sign or indication in the Constitution itself of a dissoluble compact or an experiment from which the States might and probably would withdraw. One feels some sense of indignation when compelled to listen to reiterations of positions so unfounded, so often refuted, so mischievous, as those here noticed; but the dreary argument goes on, and I suppose will go on.

“The times have been,
That when the brains were out the man would die,
And there an end; but now they rise again,
With twenty mortal murders on their crowns,
And push us from our stools.”

Our attention has so far been limited to the language and meaning of the Constitution itself. It is only when the purport or effect of the language of a written document is not clear that resort may be had to secondary or collateral evidences of the intent of the instrument. Upon this principle we ought to pause here, for no language, as we have seen, could be clearer than the language we have now examined. But it has been strenuously claimed that in the history of the times in which the Constitution originated are found proofs that what Professor Smith and Mr. Lodge affirm is true. This field of investigation is almost boundless. I shall be obliged to limit myself to a few leading points which are most important.

We are concerned now only with the question of the right of secession, — not the right of nullification. Nullification, if it is capable of any statement which does not involve *reductio ad absurdum*, is a so-called constitutional right and remedy, — a right which a State may exercise while in the Union and under the Constitution. Preposterous, offensive, and shocking as it is to reason or to practical considerations, nullification was asserted by all its expounders and champions to be a right

which accrued or arose to the States from their relations as members of the Union. If historically it may be said to have been the prelude and forerunner of the asserted right of secession, nullification did not logically implicate secession.

But the dicta of Professor Smith and Mr. Lodge which we are now considering, have to do only with the right of secession, with what Professor Smith calls the dissolubility at will of the compact, and what Mr. Lodge calls the right of peaceable withdrawal from a mere experiment. The meaning and purport of the terms of the Constitution, giving no warrant for secession, as we have seen, the broad inquiry now before us is: Are there any historical evidences, extrinsic to the Constitution itself, which support the right of secession; or rather, which show that the right of secession was understood to exist in 1789, or to inhere in the relations fixed by the Constitution?

In answer to this question we come, first of all, to the convention itself in which the Constitution was framed and wrought out. If the Union was, as Professor Smith has said, originally a dissoluble compact, either at will of any party to it, or on breach of its articles; or if, as Mr. Lodge asserts, everybody in 1789 regarded it as a mere experiment from which each and every State might peaceably withdraw, and were likely to withdraw, it may be said to be incredible that indications and proofs of such views did not appear in the course of the discussions and proceedings of the convention which assembled May 25, 1787, and adjourned September 17, 1787. The printed official journal of this convention, and Mr. Madison's and Mr. Yates's minutes of the debates in the convention, are before the world.

But when these discussions are examined, not only is no trace found of an open expression of the views of Professor Smith and Mr. Lodge, but there is nothing to show that such thoughts were in the minds of the actors in the work of the convention. Can it be, if such opinions were accepted and silently understood or admitted, that no allusion would have been made to a matter so vital and far-reaching, so fundamental and all-pervading in its scope and influence? It is impossible.

We next come, in the order of historical evidence, to "The Federalist," a work which has world-wide fame for its ability

as well as for its pre-eminent authority as an exposition of the character of the Constitution and Union. Not only was "The Federalist" the ablest of all discussions of the Constitution; it was written before its adoption, and while the question of its adoption was in all men's minds. Its object was to secure the acceptance and ratification of the new Constitution. If the right of peaceable secession, or the theory of dissolubility at will, was then in men's minds, is it not absolutely certain that "The Federalist" would have stated it or referred to it? But what word can be found in "The Federalist" that asserts or implies that such a conception or theory was in any man's mind in 1788?

Next in importance among the historical evidences are the reports of the discussions and proceedings of the conventions held in the several States for passing upon the proposed Constitution. If we search the records of these conventions, we find no assertion, no discussion, no claim of a right of withdrawal or of the dissolubility of the bond of the Union when once established. The ratification of the Constitution by the conventions is absolute, unqualified, and unconditioned in each instance. New York and Massachusetts called for amendments, but not as conditions precedent. Virginia prefaced her ratification with the expression of some opinions, among which was one that as the powers of the new government were derived from the people of the United States, they might be resumed by them. This, whatever may be its precise meaning, cannot be construed in any case as an assertion of the right of State secession. At most it only asserts the right of the nation, or people of the United States, to dissolve the government which they had formed. If the assertion had been that the States might resume the powers granted in the Constitution, it would have been evidence of an opinion that secession was a State right. Yet Virginia's ratification of the Constitution was as full and unreserved and unequivocal as that of any other State.

In Virginia arose perhaps the warmest discussion, led in opposition to ratification by Patrick Henry and George Mason. These men were deeply in earnest, if we may believe their words. They were sincerely suspicious of the ill effects of the new government. In the very earnestness of their opposition appears one of the proofs that they thought of no right of

withdrawal after adoption of the Constitution. If they had imagined they were entering on a mere experiment from which at any moment they might peaceably withdraw, why should they be shaken with fears for the liberty of Virginia and her people? But from these men came no suggestion or hint of any right of withdrawal for Virginia as a State.

George Mason is one of the names used by Mr. Lodge to represent those most distinctly opposed to the new Constitution, and his views are put in contrast to the views of Washington; but did not Mr. Lodge know that so far was George Mason from regarding the new system as an experiment from which each and every State had the right peaceably to withdraw, that in the Virginia Convention he declared: "This paper (the Constitution) will be the great charter of America; it will be paramount to everything. *After having once consented to it we cannot recede from it.*"

Richard Henry Lee was undoubtedly one of the ablest, most unselfish, and patriotic of the men who represented the public life of Virginia in his day. He opposed the Constitution in a series of letters over the *nom de guerre* of "The Federalist Farmer," letters recently reproduced for us in Mr. Paul Leicester Ford's reprint of "Pamphlets on the Constitution, 1787-8." In these letters Lee nowhere claims or suggests a right of withdrawal from the Union when once formed. On the contrary, he expressly says: "It is to be observed that when the people shall adopt the proposed constitution *it will be their last and supreme act.* It will be accepted *not by the people of New Hampshire, Massachusetts, &c., but by the people of the United States;* and wherever this Constitution, or any part of it, shall be incompatible with the ancient customs, rights, the laws or the Constitutions heretofore established in the United States, it will entirely abolish them and do them away."¹ Does this language hint at a right of withdrawal from an experiment or at a dissoluble compact?

It is worthy of notice that Professor Channing, in his "A Students' History of the United States," styles these letters of Lee "the best expositions of the views of the opponents of ratification."²

But in the New York convention we find an incident of the

¹ P. 311.

² P. 274.

highest historical significance upon this question. The convention, which had at first been strongly opposed to the Constitution, had reached the point of proposing that the Constitution should be adopted *upon condition* "That until a convention shall be called and convened for proposing amendments to the said Constitution," certain specified powers in the Constitution should not be exercised by the United States. July 23, 1788, it was moved to change the words "on condition" to the words "in full confidence," and this motion was carried. The next day it was "moved to adopt a resolution that there should be reserved to the State of New York a right to withdraw from the Union after a certain number of years unless the amendments proposed should previously be submitted to a general convention." This motion was negatived. Two days later the Constitution was ratified without condition. During these events Hamilton wrote to Madison from Poughkeepsie, July 8, 1788, that "propositions of amendments upon condition that if they are not adopted within a limited time, the States shall be at liberty to withdraw from the Union" were suggested. To this Madison replied from New York the following day as follows: —

"Yours of yesterday is this moment come to hand, and I have but a few minutes to answer it. I am sorry that your situation obliges you to listen to propositions of the nature you describe. My opinion is that a reservation of a right to withdraw, if amendments be not decided on under the form of the Constitution within a certain time, is a conditional ratification; that it does not make New York a member of the new Union, and consequently that she could not be received on that plan. Compacts must be reciprocal — this principle could not in such a case be preserved. The Constitution requires an *adoption in toto and forever*. It has been so adopted by the other States. An adoption for a limited time would be as ineffective as an adoption of some of the articles only. In short, any condition whatever must vitiate the ratification."¹

It will not be disputed that no opinion of any man then living could have been more authoritative than Madison's to Hamilton under the circumstances then existing. This letter of Madison's was read in the New York convention, and after its reading the Constitution was ratified unconditionally.

¹ Works of Alexander Hamilton, edited by J. C. Hamilton, I. 465.

We are now at the historical point of the ratification of the Constitution by the conventions in the several States. The ratification, as has been said, was in every instance absolute and unreserved. Nowhere do we find the suggestion or assertion that the States or the people were entering on a mere experiment from which peaceable withdrawal was a right of each State. On the contrary we find evidence, in the gravity with which ratification was regarded on all hands, that it was understood, perfectly understood, that the people of the United States acting through the conventions of the several States knew that they were taking an irrevocable step, a step which could only be retraced by consent of the people of the United States or by superior force.

The lesson of the history of this great transaction is that secession, dissolubility, peaceable withdrawal, are claims or doctrines, beliefs or theories, which historically postdate the framing and adoption of the Constitution.

Since 1789 there have been at least four occasions when sentiments favoring a dissolution of the Union by indirect or by direct methods, by nullification or by secession, have affected the people of certain sections of the Union. It is significant, however, that in all these instances such sentiments have obviously grown up from the immediate, local, or temporary interests of the communities so affected. The occasions referred to are (1) the nullification resolutions of 1798 and 1799, commonly called the Virginia and Kentucky Resolutions; (2) the Hartford Convention of 1814; (3) the South Carolina nullification of 1832; and (4) the Secession of 1861. A distinct, local, immediate, disturbing influence was at the root of each of these manifestations. They were not historically connected with antecedent opinions. They were not the varied expression of historical or permanent influences.

The nullification resolutions of 1798 were distinctly part of a movement and effort to discredit and overthrow the Federal party, so called, by the Republican party, of which Jefferson was the head. The theory of these resolutions was developed for the occasion. It was not drawn from antecedent historical sources. In other words, this theory was purely forensic, evolved from subtle or refined reasoning on the text of the Constitution. This theory, however, at its utmost stretch, did

not reach to the height of Professor Smith's or Mr. Lodge's dicta. The Virginia and Kentucky resolutions did not assert, except by inference, the right of secession, or the dissolubility of the Union. They merely asserted the right of a State to interfere, — in what ways, was never explained or made clear, — to prevent the execution of laws regarded by those who interfered as plainly unconstitutional. If successful, nullification would of course destroy the government of the Union; but it did not assert the doctrines we are here considering. The resolutions were defended by their authors, not by reference to historical facts, but by subtle disquisition and refined reasoning from the language of the Constitution. Contrary to reason, in the teeth of the plain provisions of the Constitution, they held that the Union was a compact, or league between sovereign states, but they did not assert an historical foundation for such positions.

The Hartford Convention of 1814 was the product purely of temporary local causes. It sprang out of uncongenial soil, and was the expression of unwonted sentiment in New England. The Convention was feeble in its results. It recommended amendments and demands, and if redress was not granted, its utmost suggestion was the appointment of delegates to another convention, "with such powers as the exigency may require."

The graver nullification movement in South Carolina in 1832 was the outgrowth again of purely local and temporary influences. The interest of the State was supposed or claimed to be dependent on free trade or a low tariff. To support this interest, nullification was again put forward, but it was availed of to uphold a local interest. It did not grow out of historical causes, but from temporary and immediate influences.

Not till we reach 1861 do we find the claim asserted in acts that a right of withdrawal existed. Of secession in 1861 it is especially true that it was not an historical growth. Its roots did not go back to 1789. They went back only to the time when the peculiar interests of slavery united the slave-holding states in sympathy, and when the Southern leaders fancied, or feigned to fancy, that the peculiar interests of those States were endangered by the Union. Whoever imagines that the thought or theory of legal secession was an historical out-

growth or survival, or was anything but a logical subtlety, a metaphysical figment, devised and elaborated for the defence of conduct deemed or declared necessary for the interests of slavery, has need to re-read the history of our government.

The attempted defence of secession in 1861 was not mainly historical, but, as in the matter of nullification, chiefly an elaborate and highly metaphysical construction of the Constitution. Compact again was resorted to as expressing the relation of the States to the Union. Original sovereignty of the States was invoked, and from it was drawn the false conclusion that a compact between sovereigns is dissoluble at the will of any contracting party. Such a doctrine had of course no foundation in the history of the Constitution, and it had as little foundation in reason or authority. It is not true, as a matter of reason or jurisprudence, that sovereigns may not enter into an indissoluble compact. If sovereigns enter into a compact, and in such compact agree to refer all disputed questions arising under such compact to a specified tribunal, it is not, and it never was since law and reason prevailed, the right of such sovereigns to withdraw from such compact, except by force. Compact, if it were in reality the basis of our Union, would not warrant secession, would not give sanction to Professor Smith's or Mr. Lodge's dictum.

What has just been said is a perfect answer to the much-used argument that as our Union is commonly called a Federal Union, its members must be sovereigns, and the Constitution must be the terms of a league or confederacy. The truth is, the Constitution is almost wholly national, in distinction from federal. How the name which describes the fewest and least prominent of its features has come to be the characteristic term of its description, is an inquiry more curious than important; but if it were chiefly or even wholly federal, it would not tend the more to warrant secession. A federal Union may be made precisely as indissoluble as a national Union. It is only a question of the terms used to describe the Union and its limits and conditions.

Champions of secession have long practised upon the dogma that sovereignty is indivisible. By this they seem to mean that a sovereign cannot part with a portion of its sovereignty and retain the rest. Therefore, as the States had original sovereignty once, they have it now.

This theory finds no support in reason or authority. There is no hindrance to a sovereign acting as such, disposing of or relinquishing any part of its sovereignty, and retaining the rest, be it more or less. Whatever of so-called sovereign powers of the States were yielded to the Union by the terms of the Constitution, the Union gained. Whatever of sovereign powers the States retained by the terms of the Constitution remained with the States, undiminished and unimpaired.

The concession to the States of original sovereignty, therefore, in no way or degree weakens the bonds of the Union, or sanctions the idea of legal secession, or peaceable withdrawal at will, if the terms of the Constitution import a perpetual union, and provide a common arbiter for the settlement of contested questions ; because sovereigns are free to deal with their own sovereign powers, unless restrained by force.

The historical conception of the American Union is, therefore, of a Union indissoluble except by force or consent ; of a Constitution which is the fundamental law of a true nation, the people of the United States, who ordained it and still uphold it ; a Union and Constitution which, whether regarded as a compact between original sovereigns, or as the government of one nation, is firmly and forever established on foundations which historically as well as forensically are unassailable, and which are the exact contradictories of the dicta which we have now considered.

The result is that we find in the Constitution historically a written instrument of government nowhere called a compact, but everywhere called a constitution ; wrought out with deliberation and free discussion covering five months of time ; then put before the people and discussed by them for two years ; expounded in all its parts in a series of papers constituting "The Federalist," still recognized everywhere as the most authoritative contemporaneous exposition of its character and provisions, as well as a lasting monument of prescient and profound statesmanship ; then submitted to the conventions in each of the States, where the discussion was renewed with utmost vigor of support and dissent for two years ; and finally adopted in absolute terms and without qualification by the conventions of all the States. And when the instrument emerged from this

long and fiery ordeal, it contained no word expressive of a right on the part of any State, community, or individual, forming any part of the territory or people over whom the Constitution extended, to withdraw; and no hint of a mere experiment; and, what is still more remarkable, in the long and ardent discussions attending its making by the convention and its adoption by the conventions in the States, there is no evidence or statement or claim of a right to withdraw; but there are evidences everywhere, expressed and implied, of a design and purpose to form a government as lasting, as indissoluble, as indefeasible as the people for whom it was wrought out.

Mr. Bryce in his "American Commonwealth" has a passage which hits the truth with unusual force and exactness. In the thirteenth chapter of his first volume he says:—

"There is (in the Constitution) no abstract or theoretic declaration regarding the nature of the federation and its government, and nothing as to the ultimate supremacy of the central authority outside the political sphere allotted to it, nothing as to the so-called rights of the States. As if with a prescience of the dangers to follow, the wise men of 1787 resolved to give no opening for abstract inquiry and metaphysical dialectic. But in vain. The human mind is not to be so restrained. If the New Testament had consisted of no other writings than the Gospel of St. Matthew and the Epistle of St. James, there would have been scarcely the less crop of speculative theology. The drily legal and practical character of the Constitution did not prevent the growth of a mass of subtle and, so to speak, scholastic metaphysics regarding the nature of the government it created. The inextricable knots which American lawyers and publicists went on tying, down to 1861, were cut by the sword of the North, in the Civil War, and need concern us no longer. It is now admitted that the Union is not a mere compact between Commonwealths, dissoluble at pleasure, but an instrument of perpetual efficacy, emanating from the whole people, and alterable by them only in the manner which its own terms prescribe. It is 'an indestructible union of indestructible States.'"

These are keen observations, and as correct as keen. Mr. Bryce has here pierced the husk of things and shown us the kernel of fact. The Constitution was at first a plain charter of government. In process of time it was covered over by a mass of glosses, refinements, and disquisitions, which obscured its original clearness, until some, or perhaps many, came to

think these later vain imaginings of secessionists and their defenders existed in 1789 and were part of the original conception of the Constitution and Union. In truth, they are, one and all, growths or figments of minds bent on finding plausible ways of reaching results or ends which the Constitution in its original, historic conception as plainly forbade as does general opinion since the close of the Civil War.

I do not deny or question the fact that the men of 1787 — Washington, Hamilton, Madison, Franklin, Morris, and their associates — were burdened with anxieties and fears for the success of the new government. It is plain that they were. Undoubtedly those lofty but intensely pathetic words of Hamilton in the eighty-fifth and last number of "The Federalist" represented faithfully the common feeling of all the great men who laid the foundations of our government. "The establishment," exclaimed Hamilton, "of a Constitution, in time of profound peace, by the voluntary consent of the whole people, is a prodigy to the completion of which I look forward with trembling anxiety." I do deny that these fears arose from any belief or admission on their part that the government they had set up had itself provided the open door to its own destruction by conceding the right of peaceable withdrawal from the Union, or that such an opinion prevailed anywhere among the men of 1787 and 1789, and I broadly challenge proof or historical evidence to the contrary. I reverse, therefore, in exact terms, Mr. Lodge's dictum, and I say that when the Constitution was adopted by the votes of States at Philadelphia, and accepted by the votes of States in popular conventions, it is safe to say that there was not a man in the country from Washington and Hamilton on the one side, to George Clinton and George Mason on the other, who thought or claimed that the new system was anything but a perpetual Union and an indestructible Constitution, from which no right of withdrawal existed, and from which no State once entering the Union could retire in any way or under any circumstances, except by force or the consent of the government of the Union.

MR. GAMALIEL BRADFORD spoke in substance as follows:—

MR. PRESIDENT, — I shall trespass on the time of the Society only for a few moments, with some comments upon the interesting paper of Governor Chamberlain. I am inclined to

agree with him that to discuss the intentions of the framers of the Constitution is a matter of metaphysical dialectics. The Constitution of to-day rests neither upon those intentions nor upon the decisions of the Supreme Court, but upon the iron logic of events. It is the custom to say that the British differs from ours in being unwritten and changeable by parliament. I think it could be shown that since 1789 our Constitution has been changed at least as much as the British.

From my own reading and as a matter of conjecture, I doubt if any one of the States which ratified the Constitution had any other idea than that they were parting with certain limited powers which they could and would resume if they were exceeded. What Washington and Hamilton feared was not a too strong central government, but that it would be too weak to resist the jealousy and excessive self-assertion of the States. Professor Goldwin Smith and Mr. Lodge are not therefore so far wrong when they speak of it as originally a dissoluble compact.

Time, however, has made short work of that. It was foreshadowed in the national motto "E pluribus unum" instead of what would have expressed the State idea, "In uno plures." The federal evolution began almost at once with the purchase of Louisiana, the tariff, and the interstate highways. But the crushing blow came with the Civil War. Slavery was the temporary, State rights the permanent issue, and the one was abolished almost as completely as the other. When Congress divided the South into five military districts subject to federal generals, the "compact" theory, whatever its "legal" position, disappeared as a fact.

The change, again, of the last five years is not less striking than that of the Civil War. With a despotism in the District of Columbia, and another in the Philippines, none the less so that it is exercised by commissions; with Porto Rico, Cuba, Hawaii, Alaska, and the Philippines in various stages of colonial incubation; with the avowed purpose at Washington of building up a navy equal to any in the world, and a standing army trained by foreign service for any work that may be required of it, — it needs no great gift of prophecy to foresee the results.

And the force at the centre is powerfully aided by that at the circumference. The weakness and anarchy of the State, and their creatures the city, governments are playing directly

into the hands of those who are thirsting to exercise the functions of a "world power," and to wield the resources of the whole nation in a conflict with any or all of the effete monarchies of the old world.

If those who stand upon the threshold of the twenty-first century are not to look back upon an onward march in the twentieth in the same direction as that of the nineteenth, if they are not to study the history of another Napoleon Bonaparte leading the United States through the same career as that of the first French Republic and Empire, it will be because of the reform and reinvigoration of the governments of the States.

The PRESIDENT expressed the opinion that, as matter of real historical truth, the framers of the Constitution had, with very considerable political shrewdness, intentionally left the question so that either side might be plausibly argued; leaving it for time and the progress of events to settle the vital issue. If they did indeed pursue this course, they avoided a dangerous rock in the way of nationality; and the event showed that, in so doing, they were men wise in their day and generation.

Rev. Dr. JAMES DE NORMANDIE read the following paper:—

Some Early Religious Matters at the Piscataqua.

Readers of the affairs at the Massachusetts and the Bay colonies in the first half of the seventeenth century and a little later have noticed the bickerings and animosities which each had toward the other. Letters, reports, official documents are full of them. Thus, the Governor of the Massachusetts charged Neal, the Governor at the Piscataqua, with not calling to see him on his way to England,—a discourtesy from one governor to another,—but Neal urged that he had not been well entertained the first time he was there; that letters he had written had been opened at the Bay, and except he were invited he would not call. The Governor at the Bay said the letters had been opened before they reached the Bay. Winthrop says the letters were opened because they were directed to one who was our prisoner, and had declared himself an ill-willer to our government. So Winthrop says of Warnerton (another high official at the Piscataqua) that he lived very wickedly in whore-

dom, drunkenness, and quarrelling, and kept the Piscataqua men in awe of him, — although in fact he was a favorite governor, elected year after year, — while Warnerton says that all at the Bay were rogues and knaves, and he hoped to see all their throats cut. This is a fair type of the language which passed from one settlement to another for a number of years.

The explanation is entirely simple and sufficient to any one who has looked carefully into the history of that period.

The settlement at the Piscataqua was made with a warm devotion to the Established Church of England.

The two persons conspicuous in energy and adventure (among that council of forty noblemen, knights, and gentlemen) to whom King James granted a charter for "planting, ruling, ordering, and governing of New England," were Gorges and Mason, and they at once began the founding of colonies along the Maine coast. They came not from religious persecution, for they were strong supporters of the Church of England. Colonists bring with them the faith they have grown into before leaving the mother country. The Puritans did not change their creed by emigrating, they only sought a freer field for its establishment. Mason, who began the settlement of the Piscataqua at Odiorne's Point, was a firm upholder of the Established Church, and there is every evidence that he intended his colony to keep up that faith: the men he sent over were attached to it, and in the first inventory of the goods belonging to the Manor House, which was after the idea of a Manor Hall in England, we find there were twelve Service Books.

There was also what was called the "Great House," built farther up the river, at the foot of what is now Court Street, and by reason of the rising ground from this spot to where St. John's Church stands being covered with the wild strawberry, the settlement was named Strawberry Bank historically until 1653, and familiarly so ever since, while by the neighboring towns Portsmouth was long known as "The Bank." In this Great House we have in the inventory the proofs that the settlers were all of the Episcopal faith.

The desire to have the settlement a branch of the Church of England is still more evident from the early charters. In one to Gorges in 1639, we find granted to him "full power, license, and authority to build, and erect . . . soe many

Churches and Chappelles as to the said Ferdinando Gorges his heirs and assigns shall seem meete and convenient, and to dedicate the same according to all the ecclesiastical lawes of this our realm of England, and defining his rights to be the same as those of the Bishop of Durham in the Kingdom of England."

Another charter says: "Our will and pleasure is that the religion now professed in the Church of England and ecclesiastical government now used in the same, shall be ever hereafter professed with as much convenient and established in and throughout the said province and premises, and every one of them."

In another paper it is said of the Piscataqua: "thus it commenced its existence under the auspices of energetic and honorable proprietors who purposed to give it the durable impression of Episcopacy as the efficient handmaid of royalty."

Gorges, Mason, Neal, Hilton, Godfrey, Gibbins, Warnerton, and Williams, leading men at the Piscataqua, were all zealous supporters of the Established Church, and in that faith the first church was built as early as 1638.

You will notice that it was at the very culmination of theological troubles that these settlements were made, the chapel at the Piscataqua being built at the very time that Episcopacy was abolished in England, or the time when Charles, in attempting to force a new Prayer-Book upon the Scottish nation, brought on a war and set up the Puritans. So that any one acquainted with the bitterness of the theological feeling can see a sufficient explanation of the charges bandied from one settlement to another, or of the fact that Winthrop looked with so much disfavor upon those who had ventured to set up Common Prayer in these parts.

And when Mason, the founder of the settlement at the Piscataqua, died, it was looked upon at the Bay as a proof of the Almighty's retribution upon the Episcopal element at the Bank, "the Lord in mercy taking him away," writes Winthrop, for "he was the chief mover in all attempts against us."

Or, again, Winthrop writes that the Piscataqua countenances "all such lewd persons as fled from the Bay." Tolerance in that day had not gone so far as to recognize righteousness of life in those who differed in theological views.

To theological bitterness was also added political animosity,

because some at the Piscataqua felt that the Bay was assuming a jurisdiction which did not justly belong to it.

In 1664 the King appointed a commission to collect testimony in regard to the many complaints. The commission found no great favor in either settlement, but when it came to Strawberry Bank, and gathered the people in the public square, and asked who would be under the immediate government of the King, and renounce the Massachusetts, one Henry Sherburne, a warden of the South Parish, waved his hat and said, "In this settlement one and all for the King."

Another incident which is given a local habitation in the church at the Piscataqua, showing how common was the impression that that settlement retained its allegiance to the Established Church, and called forth the antipathy of the Bay, appears in the "Magnalia": "There have been very fine settlements in the North-East regions, but what is become of them? I have read that one of our ministers once preaching to a congregation there urged them to approve themselves a religious people from this consideration, that otherwise they would contradict the main end of planting this wilderness, whereupon a well-known person in the assembly cried out, 'Sir, you are mistaken, you think you are preaching to the people at the Bay, our main end was to catch fish.'"

They made no talk of coming to these shores for religious liberty, and they were ready to confess they made their fortunes by the fisheries; but there were some very humble fishermen once on the shores of Galilee, who have played quite an important and respectable part in the history of Christendom.

A very striking instance of the power of a single word to throw light upon an old theological controversy is found in the fact that after the Episcopal ministry had to be given up at the Piscataqua, and Puritanism by reason of its increasing numbers and strength had sway, the term "Warden" was retained for the officers of the Old South Parish, and as the settlement grew, and the North Parish was gathered, it also took that name for its officers; and when the Universalist Society was formed, it also had its Wardens, and the Baptist also; and they all use the word to the present day, — a case, so far as I know, paralleled in no other town in New England.

Richard Gibson, the first minister of the South Parish in Portsmouth, was an accomplished scholar, who came over with a colony sent out by one Trelawney of Plymouth in England, and settled in the neighborhood of Saco. He seems to have gone from that settlement to the Piscataqua and to the Shoals, ministering to two or three churches and wherever the supporters of the Established Church were found; but his ministry was not one of perfect peace, for the Puritan element was highly offended at having the ritual of the English Church. Gibson says his ministry at Saco was seriously disparaged because they called him a priest. Later he was summoned before the General Court at the Bay in 1642 because he had baptized at the Shoals according to the Episcopal ritual, and the Shoals were claimed to be within the jurisdiction of the Bay. Winthrop says: "At this General Court appeared one Gibson. . . . He, being wholly addicted to the hierarchy and discipline of England, did exercise a ministerial function in the same way, and did marry and baptize at the Isle of Shoals," and this was regarded as "scandalizing" the government there and denying their title. At that time, however, the title was in dispute and far from being settled; but Gibson had to go to the General Court, where he made a full acknowledgment of all the charges against him without thinking himself guilty of any wrong, and either because the Court recognized that it had no jurisdiction, or because Gibson expressed his determination to return to England, he was dismissed without fine or imprisonment.

When I was looking up this subject in England, I had a letter from an old gentleman of Ham, England, Trelawney by name and a direct descendant of the Trelawney who established the colony at the Saco, saying that he felt he was still the rightful owner of all that section where now are Portland, Saco, Biddeford, and a number of cities, towns, and villages, and asking me if I could refer him to some good lawyer through whom he might be able to recover it. I could not encourage him that that was possible, but I gave him all the comfort I could by adding that if he could do so, he would surely become the richest person in the Queen's dominion.

The next minister at the South Parish in Portsmouth, settled in 1659, the distinguished Joshua Moody, had an un-

easy time for a large part of his pastorate, on account of the ecclesiastical differences which marked the two colonies. The Episcopal element gradually diminished, and the Puritan element increased; and the latter settled Mr. Moody. But it is interesting to notice that at the Piscataqua they were not able to tax the worshippers, as at the Bay. The Episcopal settlers were willing to help support a Puritan minister rather than have no religious services, but in the old lists of the supporters of the church which are preserved, we find a star by some of the largest contributors, the note to which it points saying these voluntarily subscribed for the carrying on of worship; and there were adherents of the Church of England who would not consent to any rates being levied upon them.

The serious trouble for Moody began when Cranfield was appointed as Lieutenant-Governor in 1682. His commission to harmonize the troubles between the Bay and the Piscataqua, as well as with the Mason heirs, goes on to say, "above all things . . . for the greater ease and satisfaction of our said loving subjects in matters of religion we do hereby will, require and command that liberty of conscience shall be allowed unto all Protestants, and *that such especially as shall be conformable to the Church of England shall be particularly countenanced and encouraged.*"

Cranfield and Moody soon came to an open rupture. At first Cranfield issued a general order that after a certain date all the ministers in the province should, if any persons desired it, have their children baptized, or be admitted to the Sacrament of the Lord's Supper according to the liturgy of the Church of England, under penalty of imprisonment of the clergyman refusing, and loss of all the profits of his spiritual benefices. Soon after Cranfield sent a notice to Moody that on a following named Sunday he should attend worship at his church and receive the Sacrament according to the service of the Established Church. The order reads very much like the authentic command of Tom Whipple, a famous colonel of New Hampshire during the Civil War, who ordered out twenty-five men for immediate baptism, so as not to be beaten by a revival going on in a Massachusetts regiment encamped near his own. Cranfield also sent to the Rev. Seaborn Cotton at Hampton, saying that when he had prepared his soul he would come and demand the Sacrament of him, as he had

done at Portsmouth. Whether the governor ever prepared his soul is not a matter of record, but without waiting for his appearance the Hampton minister at once fled to Boston. But Moody was of different stuff. He told the marshal, "I durst not, could not, should not do it"; so to the prison at Great Island — now Newcastle, then the court end of Portsmouth — Moody went. A letter of the time says: "Above all our minister lies in prison and a famine of the word of God is coming upon us. No public worship, no preaching of the word. What ignorance, profaneness and misery must needs ensue." The governor was entreated to let Moody go up to the church and preach, under assurances that he would return to the prison at night, but he would not consent.

"Good Mrs. Martin," says a letter, "was buried, being not able to live above one Sabbath after the shutting up of the doors of the Sanctuary." Moody was courageous through it all, and wrote "I told the Court that I should go to prison with much more peace than they sent me thither." "Blessed be God for Jesus Christ, I am quite at peace. Tho. I have many things that are matter of repentance and shame to me, yet in this matter I am abundantly satisfied in my lot, and hope shall be a gainer, and that the cause of Christ will gain by my sufferings."

He was released after thirteen weeks' imprisonment, under a strict charge to preach no more in the province. He removed to Boston, where he was at once chosen minister of the First Church; while in that office he became a Fellow of Harvard College, and upon the death of Rogers the office of President was offered to him, but declined.

He found great comfort in following the lives of the justices who condemned him, and in thinking that the disasters which befell them were the divine judgment for sending him to prison. "One," he says, "repented, and I frankly forgave him; one was excommunicated out of Hampton Church for a common drunkard; one fell into a languishing distemper whereof he died; one was taken by the Indians, and his house and mill burnt." "The Lord give him repentance, though no signs of it have yet appeared."

Mr. JAMES F. HUNNEWELL read a paper on the condition of naval affairs in Boston at the breaking out of the war with Great Britain in 1812:—

Aid to Glory.

We have recently been favored by two papers of great importance and interest relating to the Civil War, and showing the real causes of very important events during the famous March to the Sea and the ending of hostilities.

A few notes may be here offered about action in an earlier war, — that with Great Britain, 1812–15, — action within three miles of this place, and some of it not at the time conspicuous, but all of it needed and valuable in brilliant episodes of our national history.

War was declared with Great Britain June 18, 1812. In January Amos Binney had been appointed Navy Agent at Boston, and in March Commodore William Bainbridge Commandant at the Station. Great services to the nation were performed by each of these officers.

What some of the services were will be here told from Mr. Binney's letter-book now owned by the writer. In his time the resources — material and pecuniary — for outfitting heroes and ships were in wonderful contrast to those now existing, and show the triumphs in port that made possible those at sea.

First, note what was done here during six months after the declaration of war. July 28th the "Constitution," Captain Isaac Hull, arrived; August 2d she sailed, and in twenty-eight days returned, after capturing four brigs aggregating thirty guns, and a frigate of forty-nine guns. Well might Mr. Binney write, as he did, to the Secretary of the Navy: "The glorious example of Capt. Hull in the frigate Constitution . . . has given a new tone to the war, . . . and is worthy of all praise."

During August the "John Adams," "Chesapeake," and "Constellation" were repaired, and on the 31st arrived the squadron under Commodore Rogers.

September 11th the sloop-of-war "Frolic" was launched, said to have been the first war vessel launched from the Yard.

In October the frigates "United States" and "President" sailed on the 8th, and on the 26th Commodore Bainbridge in the "Constitution," with the "Essex" and "Hornet."

December 7th the repairs on the "Chesapeake" were finished, and on the 13th she sailed with Captain Evans.

These ships gave a grand account of themselves at sea, and prove what effective work was done in the Yard. As means to the end, let us observe what that Yard was at the time, and must have been when war was declared. We are told by the Agent in a letter to the Secretary of the Navy at a little later date, February 27th, 1813.

After describing the great want of wharf and storage room, the Agent continues with a statement of "the accommodations for Ships of war . . . in detail."

"A Dam 14 ft. wide & extending about 300 ft. across a Bason of the yard & intended to form the Side of a Wet Dock (where is deposited in chaotic confusion a quantity of Timber long since become useless for any Valuable purpose in Ship Building in consequence of Decay occasioned perhaps by neglect) is all the Wharf this Yard can boast. This Wharf, if worthy of the Name, is left intirely dry Six hours in every tide, & has the convenience of a Crane capable of weighing a 32 pound Canonade which at high water may be floated to its Side in a Gundalo or Gun Boat drawing not more than Six feet of Water. A Stone Slip 12 feet wide extending from the high to the Low water line, elevated about three feet from the natural surface of the beach, at which an officer may land from a Barge or Cutter dry shod."

About a month earlier a long list of disadvantages and needs had been given. The present letter continues with account of accommodations for business at the Yard:—

"One Store of Wood three stories high & about 60 by 40 feet with a Dry Cellar, capable of Storeing 1200 Bbls of Wet Provisions. The store sufficiently extencive for the Office of the Navy Store Keeper & perhaps the Sails & Stores of a Frigate but certainly not to include her Rigging.

"Two wooden Sheds 1 Story high Just to cover the Live Oak Timber deposited under them.

"One Blacksmith Shop of Wood large enough for three Forges. Detached at a proper Distance a Brick Powder Magazine of the proper dimensions.

"A Wooden Building one Story that accomodates the Purser of the Yard for his Office & a small quantity of Provisions.

"And I have named all the accommodations within the Yard except the Commandants House & the Marine Barracks. 'This Sir,' he adds, 'Is a faithful detail of all the accomodations for the dismantling, Landing, Storeing, repairing & equipping of a Ship of War.'"

In a place thus provided for a single Ship, the several that have been mentioned must be outfitted, and were outfitted. But these scant material means were even less trying to business skill than were the pecuniary.

About a month after his appointment and four months before war was declared, the Agent wrote to the Department that "the great and pressing claims . . . for the payment of bills for Supplies and labor, and for repairs of the 'John Adams' long overdue, together with the urgent requisitions of the Purser of the Frigates 'Chesapeake' and 'J. Adams,' " and "the heavy demand for the Provision Contract, has rendered my situation without funds very embarrassing. I have been under the necessity of borrowing a considerable sum to quiet for a time, the Claimants and to keep the repairs of the 'John Adams' progressing, and unless immediately furnish'd with the Amount before ask'd for, shall be under the unpleasant necessity of obtaining further and much larger amount of Loans."

After war was declared, affairs seem to have been even worse. On September 21st it is stated that "the Squadron now in Port [probably the one already reported to have sailed in October] has wholly exhausted the magazine of Salted Provisions deposited at the Navy Yard."

On October 7th the Agent wrote to the Secretary that he was "actually in advance to the Dep't" to the sum of \$52,501.96, "to effect which," he adds, "I have exhausted every resource within my controul, and am paying interest on the most of this sum. I have been induced to make these extra exertions that the Squadrons should not be detained in port one moment on my acct at a crisis like the present."

On the 30th, two days after the Squadron of Commodore Bainbridge sailed, he again stated his embarrassment, and that he had been reduced "to the necessity of Borrowing *on Interest* at the Banks and of individuals my friends."

Three months later (January 30, 1813) he wrote that in order "to keep everything going on to the best possible advantage . . . especially when the public mind is so much excited in favor of the Navy," he had "strained every nerve, & quite exhausted every resource," and in doing this he was in advance \$45,000, and "under positive obligations for \$5,000 more." Three days afterwards he received a requisi-

tion for \$2,000 from Portland. "This," he wrote, "put me to my trumps." He strongly desired to respond, and borrowed the amount "from G. & D."

At the time when these personal efforts were made in Boston, a man who had a hundred thousand dollars was thought to be, and relatively was, very wealthy, and facilities for borrowing were much less than they now are.

Pecuniary difficulties continued a year longer, until a crisis was reached in January, 1814, when, on the 11th, the Agent wrote to the Secretary:—

"I am under the painful necessity of informing that in consequence of being wholly destitute of funds, the recruiting service for the several public vessels in this vicinity has been suspended. I have exhausted every resource . . . but it is not within my means to do more than has already been done. Having borrowed & advanced day after day in expectation of a remittance of the amount of my requisition of the 20th Dec^r last, and being actually in advance Fifty Thousand Dollars am at length to my great mortification literally obliged to Stop. In this most unpleasant situation I must remain until I am relieved by a remittance—It would be useless for me to attempt a description of the disadvantages it will operate to the Department in a pecuniary point of view or to myself as a public Agent, to be obliged to declare to every claimant & every officer who ma[kes] his requisitions for money that I have not the means of satisfying the One or complying with the other. It has been my misfortune to have been many times placed in nearly my present situation but heretofore have succeeded in meeting every claim as it should be met by the public, in doing this I have borrowed on Interest at the Banks & of individuals large amounts at several times & have actually paid upwards of Fourteen hundred Dollars interest money for accommodations that have been solely on public account, which I cannot but believe will be allowed me in the Settlement of my Acct^s with the Department."

On January 24th he received from Washington \$160,000, and an intimation that he had not pleased some one by making "what I believe to be a simple statement of facts."

It cannot be doubted that the Agent was in desperate earnest, and the Department in a sore pinch for means. The exigencies of the times were shown.¹

¹ Mr. Binney's trials did not end with the war. In 1821-1822 a minor officer in the Navy brought serious charges against him of defrauding the Government. These were investigated by a Commission that in the course of three months was "in session nearly sixty days." From all the Commissioners Mr. Binney received

More might be quoted, but is hardly needed, to prove the fact already shown, that at the declaration of war in 1812, and for some time afterwards, the Government, at its Dock-yard in this important port, was almost utterly unprepared, and its outfit and its funds were lamentably inadequate, and that these deficiencies were met by the ability, patriotism, and private means of a citizen. It was an instance how these qualities have, in time of need, in the background of history, helped heroes to carry the old flag to world-wide renown, and from inconspicuous business position give almost vital Aid to Glory.

Mr. Charles C. Smith presented, by title, in behalf of Mr. WORTHINGTON C. FORD, who had been suddenly called from the meeting, the following paper:—

By the courtesy of the American Philosophical Society of Philadelphia, I am able to offer the following series of letters from James Parker, one of the best known of the colonial printers, to Benjamin Franklin, with whom he had business and official relations for many years. These letters indicate the nature of the profession of printing in the colonies, and develop the close relation existing between printing and the post-office, the patronage of which was in the gift of Franklin, and was of great service in extending his connections as well as in giving some support to the local gazettes. Being publisher of the newspaper and postmaster, the local printer would possess advantages against his rivals.

Articles of Agreement indented made the twentieth Day of February, in the Year of our Lord One Thousand seven Hundred and Forty-one; Between Benjamin Franklin of the City of Philadelphia

“what his conscience always assured him he was entitled to—an unqualified judgement of acquittal.” The Auditor of the Treasury stated that his accounts were “among the most correct . . . adjusted in this office, . . . and there is not certainly an agent who has given stronger proofs of patriotism—even to advances made from his own property in times of need.” He was endorsed by the Secretary of the Navy, and was continued in office.

Disconnected with his public services is a matter that also interests the writer. Mr. Binney owned one of the larger estates in Charlestown, that was awhile, the writer has been told, occupied by Captain, afterwards Commodore, Perry of the famous Japan Expedition. May, 1831, Mr. Binney sold the estate to the late James Hunnewell, the writer's father. There the writer was born, and there he has lived to see a great deal of the old Charlestown pass away.

in the Province of Pennsylvania Printer, of the One Part, and James Parker of the Said City, Printer, of the other Part : Whereas the said Benjamin Franklin, and James Parker have determined to enter into a Copartnership for the Carrying on the Business of Printing in the City of New-York : It is therefore, covenanted granted and agreed by and between the said Parties to these Presents ; and the Said Benjamin Franklin and James Parker do each of them covenant, and mutually agree each with the other of them, and to and with the Heirs, Executors and Administrators of the other of them, in Manner following, That is to Say —

That they the said Benjamin Franklin and James Parker shall be Partners in carrying on the Trade and Business of Printing in New-York aforesaid, for and during the Term of Six Years from the Day on which the said James Parker shall be in possession of a Printing-Press, Types and Materials in the City of New-York aforesaid, provided by the said Benjamin Franklin, if they the said Benjamin and James shall so long live. That the said Benjamin Franklin, shall be at the sole Charge of providing a Printing-Press, with all its necessary Appurtenances together with Four Hundred Pounds Weight of Letters (if the said James shall require so great a Quantity) and shall cause the same to be transported at his own Risque and Expence. to the City of New-York aforesaid, and to be there put into the Possession of the said James Parker. That the Business and Working Part of Printing, and of Disposing of the Work printed : shall be under the [*indistinct*] Management and Direction and confirmed by the Said James Parker or at his expence That all Charges for Paper, Ink, Balls, Tympan, Wool, Oyl, and other Things necessary to Printing, together with the Charge of all common and necessary Repairs of the Press and its Appurtenances ; and also the Charge of Rent for a Shop, and for so much Room as is necessary to be used in the Management of the Business of Printing aforesaid, shall be divided into three equal Parts two of which said Parts shall be defrayed by and paid as due from the said James Parker and the remaining Third Part shall be defrayed and allowed to be paid as due from the said Benjamin Franklin, and deducted out of the Income next herein after-mentioned. That all Money received or to be received for Printing, or for any Thing done or to be done relating to the Business of Printing aforesaid, by the said James Parker, either as Gratuity, Premium, Reward or Salary from the Government, or from others, shall be divided into three equal Parts Two of which said Parts the said James Parker shall have for his Care, Management and Performance aforesaid, and the said Benjamin Franklin shall have the remaining Third Part thereof. That for the regular transacting the Affairs in Copartnership aforesaid the said James Parker shall keep fair and exact Books of Accounts of and con-

cerning all Work done and delivered or sold by him and of all his Receipts and Disbursements relating to the Business of Printing in Copartnership aforesaid, with the Day, Month and Year of each Entry, and submit the same to the View of the said Benjamin Franklin, his Lawful Attorney, Executors or Administrators, as often as thereunto required. And that all the Accounts of the Copartners in Copartnership aforesaid, shall be drawn out fair, and communicated to each other, and settled once a Quarter, to wit, at Midsummer, Michaelmas, Christmas and Lady-Day, during the Copartnership aforesaid, or oftener, if either of them the said Copartners shall require it. And that upon such Settlement, the said James Parker shall remit the Part by this Agreement belonging to the said Benjamin Franklin, in such Wares or Merchandizes, or in Bills of Exchange or in Money, as the said Benjamin Franklin shall direct, by Letter or Order under his Hand, on board such Vessel and to such Port, or by such Person or Conveyance, as the said Benjamin shall also require, by Letter or Order as aforesaid, at the proper Risque of the said Benjamin. That the said James Parker shall not work with any other Printing Materials than those belonging to the said Benjamin Franklin, nor follow any other Business but Printing, during the Continuance of the Copartnership aforesaid occasional Buying and Selling excepted. That the Loss by bad Debts shall be divided and sustained by both Parties, in the same Proportion, as the Money ought to have been divided by this Agreement, if it had been received. That neither of the said Parties shall reap any Benefit or Advantage, by Survivorship, if the other of them shall depart this Life before the Expiration of the said Term of Six Years; but that if the said James Parker shall depart this Life before the Expiration of the said Term, his Executors or Administrators, shall deliver up the Press, Types, and all other Materials of Printing which have been provided by the said Benjamin Franklin, or at his Charge, to the said Benjamin, his certain Attorney, Executors, or Administrators, upon Demand, in good Order and Condition (allowing for the usual Wear and Decay of Such Things) as also the Share of Money, Effects, and Debts belonging to the said Benjamin by the Agreement. And if the said Benjamin Franklin shall depart this Life, before the Expiration of the Term of Copartnership aforesaid, the said James Parker shall continue the Business nevertheless, paying and remitting the Part, by this Agreement belonging to the said Benjamin Franklin, unto the Executors, Administrators, or Assigns of the Said Benjamin, they performing all parts of this Agreement to the said James, which the said Benjamin ought to have done, if he had lived. And at the Expiration of the Term of Six Years aforesaid, the Said James Parker, shall have the Preference of purchasing the said Printing-Press, Types and Materials, if he shall be so disposed, at their

present Value, allowing for the Wear thereof, which shall be judged a reasonable Abatement, considering the time they shall have been used : But if the said James shall not be inclined to purchase them he shall transport, or cause to be transported to and delivered at Philadelphia, the said Printing-Press, Types and Materials, at his own proper Risque and Charges to the said Benjamin Franklin, his Executors, Administrators or Assigns : And if any unusual Damage, by bad Usage or Negligence, shall have happened to them the said James shall make it good. But if the Damage be occasioned by some unavoidable Accident, the Loss shall be divided and Sustained by both Parties, in the same Manner as the Loss by bad Debts is by this Agreement to be divided and sustained : Provided Nevertheless, that if the said Printing-Press, Materials and Types which the said Benjamin provides, shall be lost in the conveyance to New-York, by any Accident of Water or Fire, Enemies or the like ; then the Loss thereby shall be wholly sustained by the said Benjamin Franklin, and the Copartnership hereby made, shall be dissolved and abolished, unless the said Benjamin be willing to continue it, and provide another Press and Types as aforesaid, and send them at his own Risque to New-York aforesaid, there to be delivered to the said James Parker Any Thing herein before contained to the Contrary notwithstanding.

In Witness whereof the Parties to these Presents have interchangeably set their Hands and Seals hereunto. Dated the Day and Year first above-written.

Sealed and Delivered
in the Presence of us

ROBT GRAIR

LEWIS EVANS

JAMES PARKER

B. FRANKLIN

SEAL.

SEAL.

DEAR S^r, — Mr Whiting came and [*torn out*] hole last Saturday Evening in Jersey Money, except 5s in York of y^e Pay for y^e Postage, — I don't know any Body has any of y^e Spanish Paper to sell cheap, I believe 5 or 6s will be the lowest. I know several ask 8s. — I can yet gladly spare you 4 or 5 Bales, of that I have, having got about 10 Bales yet entire, if you please to order it, I will send it by y^e first Opportunity. I will make enquiry if any be to be got else where. —

As to what relates to y^e Copper-Plate, tis thus, — The Engraver is a Silver-Smith ; during y^e Proposing of y^e Thing, I gave him some Silver to make me two Silver Spoons ; but he has not done 'em yet. I have been at him several Times : but one time he has been sick, another Time his Wife is sick, &c. I tell him we want him to go about y^e Plate ; but I fear he is an idle lazy Fellow : I will try him again this Week, and I think if he don't go on it, as he is well enough now, we may despair of getting him to do it at all.

As my Long-Primer is almost worn out, I have had Thoughts of trying to get some new, for which I have not seen an easier Way than to send home some Money by the Man of War now going in about 3 Weeks; but know not well y^e Price, or whom to apply to, or what Quantity will do; I could make up about 12 or 14 £ Sterl: and I would run my own Risk — but this I will not do without your Advice and Permission:

I received y^e Pocket Companion safe, tis well enough: — may I ask if the Young Man's Companion be almost done?

I rejoice to hear you all keep your Health: May it continue! —

Our Son is recovered pretty well: but my Wife is poorly, tho' not with the present Sickness, but one She is pretty much accustomed to. —

With all our hearty Respects, I remain S^r

Your most obedient Serv^t

JAMES PARKER.

NEW YORK. Sept. 7. 1747.

P. S. I send 4 Quire Marble Paper, it cost 3s 6 a Quire: a Sheet of a different sort is sent, if you are minded for any of that! — Payment for a little more than 1½ Dollar is coming to you; which with y^e 5s York Money paid by Mr. Whiting will just clear this Paper.

DEAR S^r, — Last Week I accidently met M^r D Lancey in the Streets: I ask'd him, if he had heard any Thing about y^r Affair, &c he said No; I ask'd him, if he were willing to take the Money? he said yes: — I ask'd him how much it was? and he said £37: principal: — which is more than what you mention however, I will pay it, let it be what it may; — On which I told him, I had Money of Yours in my Hands, and expected your Orders to pay it: — and he said, It was well: — I shall see him, God willing, Wednesday or Thursday.

I am heartily concerned at your frequent Losses — I will see about sending y^e Paper the first Boat: —

M^r H. is deprived of his being Councillor, and as he's out of y^e Governor's favour, 't is suppos'd he will be turn'd out of both his other Places before long.

The History of y^e Rebels will make about 24 Sheets; 8½ are done as you will perceive by what I send you.¹

As to what you say about y^e Materials, I don't think myself a competent Judge at all of the Prices, &c. — I shall therefore rather entirely submit it to you; tho' unless you can better imagine it already than I can, I am of Opinion, We had best wait till y^e Expiration of y^e Time; as we are both uncertain of our Lives so long; and if it please God to call me hence, I have none to leave either y^e Materials to, or a Desire to leave so much in Debt; you will then be obliged to take 'em again:

¹ Probably John Merchant's "History of the Rebellion in Great Britain."

— I can then, if I live, give you a List of every Thing and you can set your Price on them :

The first Half Sheet of y^e History of y^e Rebellion is of y^e new Letter, it sets up all y^e Italick, to about Half a Page more :— It is not bottle, ars'd ; but is unhappily, about a Hair-space shorter than y^e other. i.e. the Old :— so won't stand in y^e same Word, but will do in y^e same page.

This Letter will do very well for what Long-primer is in y^e Spelling-Books, &c.

I have not got Pay of y^e Undertakers of y^e History ; but am promis'd some this Week : if tis not done, I must stop yet ; for I begin to have less confidence than before : Hynshaw being poor, and 'tother I'm afraid not honest :

I will see about y^e Marble Paper, &c. with all convenient Speed :—

I was about purchasing a Saw of Mr Meredith ; if you have not already nail'd up y^e Box. and it is long enough to put y^e Plate in, I should be glad if you would put that in with y^e Books :— those sort of Saws are not to be got here :—

I could wish you would send me One Ream of Cartridge Paper Along with the other Things, I not having above 8 Quire of that sort in y^e House

The Sickness is greatly abated, thank God, tho' there be a pretty many yet down with it, and some die of it still ; By God's Mercy, we are all well

With all our Respects, &c. remain S^r
your most obliged Serv^t

JAMES PARKER.

NEW YORK. Sept. 21. 1747.

JONATHAN BELCHER TO WILLIAM BRADFORD

MR. BRADFORD,— I have had repeated Applications, from Mr. Parker, to appoint him the King's Printer, for this Province ; but I shall not do it, unless you are willing, to resign it ; & if you are not, I think it will be proper, for you to be here, the 21: of the next Month, & to bring with you, the Warrant I gave you, in this Matter ; because as Secry^r Read will then be here, I would give you a new one, something fuller. — I hope you rec^d mine of Curr^t.

I am, S^r,

Your ready Friend

J. BELCHER.

ELIZABETH TOWN, (N J). Oct^r : 29 : 1754

WOODBRIDGE, Octob. 27, 1764.

HON^d S^r, — Both yours of the 20th and 25th I received late last Night: — I shall endeavour now to answer to both, as well as I can.

With Respect to M^r Strahan: — Tho' I wrote to him a while ago, that I would see he was paid, if he would wait a little longer; I told him the Case and that I was in hopes to get it of M^r Holt, but if he fail'd, I would at last see it paid: — M^r Holt tells me he had sent him only one £10^s Sterl. I think there remains about £170 still due: — M^r Holt is returned from New Haven, says he has brought all the accounts scattered, but he will exert himself to get them settled: He says there is above 6 or 700^l Lawful Money due to us at New Haven, much of it in good Hands, of which the greater Part will belong to me, if ever got in: Green having used all the ready Money, or otherways laid it out in purchasing his Materiels: — He M^r Holt, has used great Part of his Dues, in purchasing that House, and some other Matters, whilst poor I, have received for the four year Green had it about £12 — Proc. — Things are in this Situation, Green sat up at Hartford, — and the Debts uncollected in. — I could sue Holt, but if I do, he is ruined: and perhaps I not a Farthing the better; He promises fair, and within this Year past, I continually am getting small Matters from him, towards supporting my Family, that so what little Money I get may the better go towards paying my Debts: — By these Means, the only safe ones, I can think of, I hope to get all paid. — Now as I have almost brought all my Debts into the Compass of Yours and Mr. Strahan's, of which last, the Allowance for the Office of Comptroller, I try chiefly to appropriate, — would it be disagreeable to you to pay M^r Strahan, and take all my Debts upon yourself, as I would chuse to pay you Interest rather than any other; tho' Mr. Strahan has not yet demanded Interest, yet it is reasonable that he should either be paid, or have Interest, which I had rather transfer to you — I fancy upon the Whole, what I shall have due from the Post-Office by the first of January next, will pay all Mr. Strahan's Debt, — and then there will be only the Bond I owe you, which going on Interest now, can remain till I can pay it, which I will exert all I can to do, when it may be wanted. — If this Matter be practicable and agreeable to you, I shall be glad to have it carried into Execution as soon as possible — If you have any Money to spare in England: If not, I must try some other Method, to get him paid: for I am as uneasy about it, as he can be.

You say you sent some of the Post-Office Instructions &c. there has none come to Hand yet. — I shall set about making up all the small Books, and send them now to the several small Offices as soon as possible.

The Law relating to the Division Line, I shall send you, but you

will find but little in that to enlighten you: — Mr Alexander¹ had some Things printed when I lived in New York, — pretty large, that might probably enlighten you a little, — the opposite party also printed some Things, but I have not them, tho' I printed most of them, — Whether Lord Sterling could not supply you with them especially of his side, I can't say: — I believe, the Piece of the opposite side can be found in my Store Room in New York among the Papers left there in the parting Division between Weyman and I, as that was printed by Weyman a little before we parted: — If you get the others, and find that necessary, when I go to New York again, I will endeavour to find it.

Now with Respect to the Virginia Affair. — If you should think it the best Method of securing that Matter to Mr [William] Hunter's Son for me to go there, which is the only Thing that would induce me to go, I shall be willing, if Mr Royle dies; but he is not dead yet: other-ways, I should rather chuse not to venture into new Places: — If it would suit as well, for any other, and you can rely on their Integrity, I shall be quite as willing: — I know at the Death of Mr Hunter, Mrs Holt was there, and great interest was making for Mr Holt, who was mighty desirous of going, but when the Contents and Condition of the Will came to be known, that was knock'd in the Head: — Mr Holt would now be very fond of going thither again, and perhaps that would be the most natural: but when you consider, that Mr Holt has taken his Brother's Son, who is Mrs Holt's Sister's Son also; — and Brother to Miss Betsey) and is bringing him up to the Trade, and he is a little older than Billy Hunter, whether he would not find Means to oust young Hunter, in Favour of his adopted Son: — Besides, whether Mr Holt's Incapacity, Neglect or Design in not settling their Accounts, and paying young Hunter his Share, might not greatly injure Hunter, even if he surrendered up the Business. — I don't know one I would or could recommend preferable to Mr Holt; the present Race of young Printers seeming to me most of them, so abandoned to Liquor, as to deserve little Encouragement, besides, their Honesty should be tried first. — Another Objection against Holt, may be, your and others Opinion of his Honesty, — or perhaps, his Incapacity to execute the Business well, for he does all now by the Help of other Hands, may not induce his Journeymen, to try to set up in Opposition, &c. — Upon the Whole, with respect to myself, I could not form great Hopes of Advantage to myself, exclusive of doing Justice to Mr Hunter, — My own printing Business here, my Son could do very well with, as far as relates to the printing; — but I could not even hope the Favour of your continuing

¹ James Alexander, counsel for the Proprietors and a Proprietor himself. The publication was "a Bill in the chancery of New Jersey &c. to which is added the Publications of the Council of Proprietors &c." New York, James Parker, 1747. See Brinley catalogue, No. 3591.

him in my Office as Comptroller, — tho' since his Marriage he is somewhat more settl'd yet he wants that Thought and Solidity necessary to attend it: — In the Post-Office here only he might act: but the Profit of it, is very small, about 301 p An. as Commissioners, and it is in fact the worst Situation for one on the Continent, as 7 eighths of the Letters are for Amboy, to be sent thither, and perhaps twice going after for Pay, before got once: — I have many Times known it necessary to go to Amboy with 4 or 5 Shillings worth of Letters perhaps spend Six Hours Time, and get a Drink of 1/6. and come home for the Profits of 1s. However, I never thought much of it, whilst I have the other Office, or whilst I had the Privilege of franking, &c. — Nor can I suppose, if I went thither I could continue in the Office, — it is true it might suit tolerably better for those lower Offices, than to these: but it would be quite too very inconvenient for any this Way, — Nor would I go, but upon some such Conditions as these, that I would not engage certainly for more than three years at first, in which Time, if it did not suit, by that Time another might be found out more to your Liking; and if I continued longer, to the Time Billy Hunter should be of Ability to carry it on himself, that I should return to my native Country, provided it pleased Heaven to spare me so long: — Upon these Suppositions, if I can be of Service to Mr Hunter's Estate, and to your Liking and Desire, it is all I should think well of; — As I have always thought it my Duty and Interest to do any Pleasure of yours, so I am quite resigned either to stay or go, as it shall seem best to you if Mr Royle dies, upon these Principles you can proceed, according to your Pleasure: — It is probable Mr Royle may recover, and live long enough; — if so, there is no Occasion.

I imagined Mr Holt had wrote to you since he came home; for he told me, and said he would write to you, — (and in which I told him I had nothing to say,) that in those Accounts that Mr Green settled with the Post-Office, there were a great Number of Letters, brought by his Bye-Posts, entirely different and off from the Post-Roads, which as you would not allow him any thing towards his Rider's Pay, could not in Justice belong to the Post-Office; he said he had a List of the Letters, Places, and sums where they came from &c. — and I suppose he will yet write, tho' he has been much hurried in getting his Almanack Materiels &c. —

Thus I have, I believe almost tired your Patience, therefore 'tis Time to conclude, with all Respects

Your most obliged Serv^t

JAMES PARKER.

P.S. The Winds are so exceeding high, these two or three Days, and is so to-day That I fear the Posts can not cross the Rivers, &c.

WOODBRIDGE, Nov. 23, 1764

HON: S^r, — When you embarked at Chester, I purposed to return that Night, but I could not: However, I got to Philadelphia next Day before Noon: — I immediately applied to Dunlap's Affair, as Mr Cleave had arrived before me; I found all the Security Dunlap had was Mr Cleave's Bond, and Mr Cleave could give no other Security, so I at last took his Mr Cleave's Bond for £44: 19: 10: payable next October, with Interest, as he affirmed he could not pay any sooner as he had nothing to support him but his Wages: — Dunlap was willing to give a Deed for that Land, but not being willing to be at the sole Cost, I sat down, and wrote one myself on Parchment, from the other, with the same Referees, for Dunlap could not grant more than he had, and as he could not redeem the Mortgage Strettel, that was mentioned also, and Credit then was given for the Surplusage — the said Mortgage with its Interest to that Time amounted to £134: 12 — so the Bond is credited for £215: 08: 6 — which makes the £350. — and I told Dunlap if he would redeem those Mortgages, he should have Credit for them: — but he was not then able: — I got him and his Wife to acknowledge the Deed before the Mayor. — but his Deed has not been recorded, nor have I got either of them recorded, as I had no Orders so to do, as I suppose that may be done any Time, and Dunlap gave up his Deed to me, so I have both of them in keeping. — I left Philadelphia before your Letter from the Capes arrived, — with Advice of your leaving the Capes on Friday, tho' as we had the Wind Saturday Night and Sunday Morn at East, we were in pain for you, however as it cleared off at West Sunday Noon, and blew so a few Days after, we supposed you a good Way on your Voyage — Dunlap said nothing to me about Col. M^cNott, but I will write to him, — Mrs Franklin having sent to me that part of your Letter. I have not heard from Mr Foxcroft since you departed, but have wrote to him the Transaction, with Dunlap. — As soon as I got home, I sent off my Son to bring home Lady Jane, Mrs Franklin had some Thoughts of coming with her here, but she has declined it, as finding it would be inconvenient to her other Affairs: —

I take the Freedom to inclose this to Mr Strahan, to whom I also write, and send him a small Bill for £8: 11: 5 — which with a small Bill for £10 sent some Time ago, is all I can, or I fear able to get from Mr Holt, — and as I should be glad to close with Mr Strahan in Conformity to your Promise, I trust you will pay him off the Ballance, and such Part thereof as shall remain unpaid to you at this Time, I shall freely pay you Interest for, and then I shall bring all my Debts into one Place — As soon as you have done it, wish you would send me word of it, — I purpose to go early in the Spring, if please God I live

so long, to Philadelphia, and do all I can in your Affair, and wish I may be able to do it to your Satisfaction ;

I hope this will meet you safe arrived, and that you may have your desired Success. — I heard yesterday from Phila' when they were all well, but you may possibly have later Letters than this of mine, as I send this to New York to go by a Merchant ship about to sail soon, and so may be full early, but I would not miss : — I have had my Health since my Journey pretty well, and flatter myself with some Continuance — All Friends here remain much as they were — I do not recollect any Thing more materiel at this Time, so with all Respects remain

Your most obliged Servant JAMES PARKER.

WOODBIDGE, Jan. 14, 1765.

HON : S^r, — In Hopes you have received a Letter from me since your Leaving us, which I sent inclosed in one to Mr. Strahan, from New York p a Merchant Ship, I now, attempt a Second to you : — I therein told you, I had taken Dunlap's Deed to you according to your Instructions, and taken Mr Cleave's Bond for the Money he proposed on that Score. — I was returned from Philadelphia, before your Letter from the Capes came up, wherein you mention Mr. Nott's Affair : — I upon the Notice you wrote about it, wrote to Dunlap and Mr. Nott — the latter of which informed the other that he had agreed to pay you, and that it would suit him better so to do : that he had wrote to his Agent in England to pay, and that those Orders were gone home ; that however he Mr M^cNott agreed to give you a Bond for the Money due, which if paid in England could be afterwards taken up, which Bond he executed and sent to me, — so I give Dunlap Credit for it : — This I hope will be agreeable to your Instructions or Intentions : — The Sum is £48 — 4 : 10 — payable y^e first of May next. — Mr Foxcroft is not come up from Virginia yet, — tho' as I was set to understand he would be up about Christmass, and I not having heard from him to y^e Contrary, I set out the last of the Year to meet him there, but there met a Letter informing he could not come till y^e Beginning of February, so I returned again. — The Winter had seemed middling, till the 25th of December, when a violent Snow-Storm happened : and it has been cold ever since, — Snow several Times, and once for 48 Hours together about eight Days ago, and the Snow is now on a Level with us a little more than 3 Feet deep, and in some Banks above 6 Feet : — Delaware River and Brunswick all close — the Ferry to New-York extremely difficult ; — the Bay full of Ice, It is thought by most, that from y^e 25th Decem. to this Day, the Weather has exceeded the hard Winter of 1740. — God only knows, whether it will continue so long or not. —

I fancy it is very bad to the Eastward, no Post having come in for a Fortnight past from that Way. — We do the best we can this Way.

— I am desired to send you the four last Philadelphia News papers, which I do with this. — wish to hear of your safe Arrival, — All your Friends at Philadelphia, Burlington, &c. were well: nothing more material since your Departure as I know of, but what the News-papers will inform you of. — which being what is needful at this Time, we all join in respectful Compliments, and remain

Your most obliged Serv^t

JAMES PARKER.

P. S. I have wrote to Mr. Strahan, that I hoped you would pay off the Ballance of my Account to him.

BURLINGTON, May 29. 1765.

HON: S^r — As I have never had the Pleasure of one single Line from you, in answer to several I have wrote, I can now say but little, — I have made no further Progress in the Accounts yet, than what I mentioned in my last: being obliged to stay at home some Time past: — I wrote you all I could, or did, about your Concerns with Dunlap, but having no Answer, am at a Loss to proceed in any Thing, or how far what I have done may be satisfactory: — As you doubtless will have many Letters from your friends, I have the less Occasion to write at all: However, I thought it not amiss to write a few Lines: — Mr Foxcroft being momentarily expected at Philadelphia; I have only to add Compliments, &c. from

Your very Humble Serv^t

JAMES PARKER.

PHILADELPHIA, June 14, 1765.

HON: SIR — Inclosed you will have as far a general State of the Accounts, as I could hitherto get done: — by the Date's thereof, you will see part of them were done the latter End of February last, and some part just now: — I have been at them this Spell but three Days, and my Business will not permit me to stay longer this time: but as soon as ever it will permit, I will endeavour to examine those Matters that remain, and close them so far: if in the Mean Time we should not have the Pleasure of your Return, which we expect.

Since my last to you, I received one short Letter from you, by Capt. Robinson, who had a long Passage, — the first and the last I have had: — As I did not expect some Things in it, I confess I was a Little Struck: — You say there, you, “expect I shall give my Bond to Mrs Franklin for the Money you have paid for me to Mr. Strahan, exclusive or unmix'd with any other Accounts” — and, — “that I should settle and account with Mr Foxcroft for the Post-Office Al-

lowance" — Now, as there was upwards of £100 Sterl — due to me on the Post-Office Account about the first of Febr^y the Time you paid it, — and I have ever since endeavour'd to keep off from taking any Post-Office Money, and more is due to me upon it, — I flatter'd myself it would have been agreeable to you to have discounted that Way, — And I was always conceited enough of your Goodness to think you would not be more severe upon me, than a Stranger, — but in the same Letter, you tell me Mr Strahan was so *generous* as to forgive me the Interest, while you expect I should pay Interest for that Money, when good Part of it was really due then to me : — However, as I expect daily to hear again from you about some other Matters, — I shall do every thing that can be even requested of me, with Justice.

— I have inform'd you, I had s^{nt} B. Mecom's Printing-Materials round to Burlington, where I am doing a Book for Samuel Smith, called *the History of New-Jersey* : — He does but 600 of them, and its thought will consist of between 25. and 30 Sheets 8^{vo}

— I had Thoughts of purchasing them : But being distressed on every Quarter, and the fatal *Black-Act* lately passed, must render printing of very little Consequence ; so that I think I cannot afford to purchase them, unless they should come much cheaper than the Charge of them to Mecom ; — and indeed they are in many Things the Worse for Wear : — I had rather pay for the use of them, in printing this Book ; but as to any Thing of this Matter, I hope we shall not differ : — for they will be handier to dispose of at your Pleasure. here than at New York ; — You have not sent one Word about Mecom's Effects — They all remain in the Store-House in New York waiting your Orders : —

Mr Foxcroft is now here : But my Attention with M^r Hall, and he M^r F. just come, and busy in putting his House in Order, has and does prevent our settling any Thing about my Allowance, — and as he doubtless writes to you, all Things necessary relating to the Office, I have the less to say : — Indeed, we seem to be in Suspense in Expectation of some Alterations in the Post-Office, as all Things else seems going topsy-turvy : — and However, I may be too apt to be chagrined, and sometimes the true Old English Spirit of Liberty will rise within me, yet as there is a Necessity to acquiesce in the Chains laid on me, I endeavour at a patient Resignation, knowing it cannot be long e'er I go hence, and be no more : — My Health sometimes seems to be restored, but at other Times I sensibly feel the Decays of Nature, and the Strokes of Disease : — I think I cannot say quite tho' very near as Cardinal Woolsey did : tho' I have not served my God so faithfully as I have you, yet I am of Opinion, he will not cast me off, in my old Age.

With all Respects remain

Your most obliged Serv^t

JAMES PARKER.

BURLINGTON, Sept. 22. 1765. Sunday Night

HON SIR, — Yours of July 6. I received Thursday Night last, — and the next Day I went down to Philadelphia, by Order from Mr. Foxcroft, so to do, as soon as the Packet came in, as he expected to receive a Draught of a Table of Rates from you; but by yours to him we are directed to make such Table here: — There were a Number of Tables of Rates of Postage sent to him from England; which might have done very well, if all our Post-Officers here understood the Geography of the Country so well as to know the Distances; wherefore it was Mr Foxcroft's Opinion we should print such as we had before: Accordingly we set about one, and formed it, and I came up from Phila^a this Day: To-morrow I set out for Woodbridge to print it there; as I have neither Rules nor Figures enough here; but it is not very probable, I shall have one done to send you p this Vessel, as I am told she is to sail next Wednesday; tho' she came in but the Wednesday before; — I am inform'd she is a very dull Sailer, and as some Merchantmen are to sail in a few Days after her, I shall try to send one by them: — As I suppose Mr Foxcroft writes to you all that is necessary about the Post-Office, I need say the less on that Head.

I wrote you about a Fortnight ago, via New York; but whether it went by a Vessel bound to Liverpool, or whether Mr. Colden kept it till this Packet I know not, wherein I inclosed a State of Mr. Hall's Accounts as far as I had them done: — I have had but a very little Time to proceed in them, — nor cannot well, till I have finished Mr. Smith's! History which has yet 5 or 6 Sheets more at least, and then I purpose to proceed to all that I can, in the Affair. — I hope you will receive that, because I had neither Time to copy my Letter or the State of the Account; tho' there is a Copy of that State kept.

By the Packet before this, I answered yours about going to New York: — I have given my 'Tenant Notice to go out of my House, and purpose to remove thither in the Spring, if nothing extraordinary prevents: — I wrote you some Intreaties about procuring that Place in the Custom-House for my Son: but perhaps he will be thought too young: and as I have never mentioned such a Thing to him, I would not have any of my Friends injured by him: — tho' I think he is mended a good deal, and I hope will in Time see his Follies and quit them: — Tho' the only Objection I have is, he seems to be desirous to live in the Country as well as I; yet I being grown old, it matters little where I spend the few Days the Divine Providence may permit me to enjoy here: The Whole rests upon my spending them in doing my Duty in whatever Station it shall please God to place me: and if I can behave so as not to discredit your Recommendation, it is all I shall desire; tho' I am assured, as I told you in that Letter, that

that Office requires a great deal of attendance, tis said, much more than is adequate to the Allowance, to any Body that can get Bread any other Way:—No Deputy is allowed; but the Surveyor of the Customs has given the Person that had it a new Appointment, which he will keep till I go, or till further Orders.

I saw Mr Hughes at Phila^a last Night, he is very poorly: he had just received yours p Cpt. Caton:—he showed it to me, with one inclosed about one Mr. Herbergh:—That Herbergh is claiming some Land, this Way. but he can't see what authority that Letter can be of, to invalidate any of his Claims:—But I have nothing to do with this —

As to what relates to the *Stamp-Act*, you will doubtless hear from many Quarters, of the Commotions about it:—I have Reason for this once to be thankful, I am not a Master-Printer at New-York, or perhaps the Impetuosity of my Temper would have plunged me deep one Way or the other:—Whilst here, I only calmly behold them at a Distance:—I shall not pretend to give my Opinion, as it can be of no Service any way:—I indeed am sorry to see them, and have Reason to think One Half of the Americans will die rather than yield, as the Furmentation is almost [*torn*] general: to the Eastward [*illegible*] thward . . Tho' in Philad[elphia] considering the Per[] there are less than in other Places.

We all send our humble Salutations, and remain

Your most obliged Serv^t

JAMES PARKER

WOODBIDGE, October 19, 1765

HON^d SIR,—About a Fortnight ago, I wrote you by the Packet in Answer to yours of July 14: Since which this Packet arrived, by whom I had not the Pleasure of one Word:—I therein told you, I had gone down to Mr Foxcroft to Philadelphia, by his Order, to consult about the Table of Rates for the Post-Office, which he expected to receive a Copy of from you, but not having it, we set about one, of which I have printed a Number, as per the One inclosed: But it happened to be so large, that no Press in these Parts of the World would take it, so I was obliged to do a small Piece of it by itself and paste upon the Sheet, as you will see:—I think it has been as hard a Job as ever I encounter'd in the Printing-Business; and as I was also press'd in point of Time, the Difficulty was the greater,—I would have lessen'd it by leaving out such places as no Offices were established at, but Mr. Foxcroft had set off for the Eastern Shore of Maryland to establish some Offices there, so I was obliged to proceed:—I endeavoured to be as correct in it as possible, seeing the Postage is now

ascertained by Miles and not by Places, — and those Miles only in general computed and not measured; — tho' the new Act of Parliament orders them to be measured: — If this should be put in Execution, I have the Perambulator or Wheel that was Capt. Jenkins's and I would measure them as reasonably as any Body would.

By a Vessel from New York to Liverpool, I sent a Letter to you, with the last State of Accounts between you and Mr Hall, which I hope will have come to your Hands: — Being called to Different Businesses on account of y^e present Situation of Affairs, I have neither had Time to proceed with the Accounts nor finish Samuel Smith's History: — But I think as soon as I have supplied the several Offices with these Tables, about half of which I have yet to rule and send, I shall proceed with the History; and then not having even the Prospect of much other Business, I shall Stick by Mr. Hall, till all be done, as far as is possible for me to do.

If you have received the two above mentioned Letters, you will then have all that is needful from me: — I therein tell you, I purpose to go to New-York in the Spring, pursuant to your Directions, even whether I should execute that Office of Land-Waiter or not, — upon the Presumption you continue me in the present Station of the Post-Office: — Mr. Holt's Lease of my Tools, expires the first of May: so does the House I have there from the present Tenant, when I can get Possession again of both: — I flatter Myself I shall be permitted to stay till then; but if it should be thought absolutely necessary I should go sooner; I will go, and take Room there this Winter, tho' I cannot carry a Family so well along. The present Possessor of that Office, being greatly displeased with me, would not act but by a New Deputation from the Surveyor General, and I shall not endeavour to molest him till I cannot help it, — that is till I go there in full. — As you have doubtless Letters from all your Friends about all other Matters and Concerns of your own, any Accounts, I could give must of Course be not so perfect as theirs —

I don't know whether Mr Foxcroft be returned yet from Maryland if he is not, you will know by his not writing this Packet: for he will undoubtedly write to you, if he is returned. —

As to publick Affairs, I ought not much to intermeddle; The Papers and Politicians give you those Accounts perhaps better than I can pretend: — A black Cloud seems to hang over us; but whether it will blow past, or the Thunder break in upon us all, is what he alone, who guides it, can tell: — But poor America, is like to bleed, if the Storm blows not over: — Nay, it appears to me, that there will be an End to all Government here, if it does not: for the People are all running Mad; and say, it is as good to dye by the Sword as by the Famine; and, unless some Stop be put at home, dreadful Work is like to ensue:

— May Heaven avert all those Appearance, and make me for this Time a false Prophet! —

We all desire respectfully to be remembered to you, whilst I remain
Your most obliged Serv^t

JAMES PARKER.

BURLINGTON, Nov. 6. 1765

HON: SIR — This moment yours of Sept. 17. I received, and as the Packet is tho't will be discharged immediately, tho' I have the Gout in my right Hand, the first Fit I have had since I been here, I venture to write a few Lines: — The dreadful Commotions in this Country now, you will doubtless hear from abler Hands: — I have almost done the book I am about here: — I have not heard lately from Mr. Hughes of New York: I was to have gone there next week, but believe it will be a Week longer at least: I will write to him, as soon as I can, and will endeavour all the Ways in my Power to procure either the Goods you sent or the Money — And will let you know as soon as I can what I can do.

As I am to leave this Place, and Printing-House, &c. I should be glad to know what I shall do with these Materials, &c. — I would have wrote a good deal, but when you know my Hand is in pain, — tho' otherways pretty well, you will excuse my Brevity

With all our respectful Salutations remain

Your most obliged Serv^t

JAMES PARKER

BURLINGTON. Jan. 4. 1766

HON: SIR, — About eight Days after mine p December Packet, yours of Sept. 26 1765 p Capt. Robinson came to Hand: — The Chief Matter in yours, which my last will not serve for an Answer to, is that part relating to M^r Balfour: — Tho' I have the highest Sense of your Kindness in what Answer you return'd him, yet I have now wrote to them, and inclose it to you, first because I would not put them to greater Charge than I can't help, and next that you may see what I have wrote, which is strictly true: — Indeed, I meet with a good deal of hard Fortune; I am really £50 sterl. out of Pocket by their sending me those Books: — It is true it was my own Fault for taking them, and my own Fault for letting my Nephew have them: But I did for the best. — And now, M^r Holt had the rest, I don't know how to get the Pay: — Would it not have been hard now, if those Goods you sent for M^r Hughes, after you had recommended them to my Care, I should have let M^r Holt take them, as he desired, and he never paid me for them. Would it not, I say, have been hard for me to pay you for them: and

yet this I suppose would have been expected, — tho' had he not already caus'd me to answer as well what he had of your sending, as well as those to Mr Strahan, I should doubtless let him have them, tho' I believe he would never have paid me more for them than for the others, and this of Balfour's is just so. — I told you before, I purposed to go to New York in the Spring, God permitting: — I observe what you say about the Office in the Custom-House: — and indeed I think as you do about my Son: But alas! he has been sick now above three Months, — The 20th of last Month an Express arrived to me from him, that he lay a-dying, given over by the Doctors, — I was unable to go myself having the Gout too hard upon me: My Wife and Daughter both went, tho' very cold Weather, they found him alive yet, but so low, as to have small Hopes: it has pleased God, however that the last News I had of him three Days ago, there were some Hopes still of his Recovery: — The cold Weather sets in apace, and this River is so full of Ice there is no crossing, otherwise I expected to hear again on this Day: My Gout has held me the longest this Time that ever I had it: — I mend now but very slow as soon as I am able I shall go to Phila^a to proceed with your Business as far as I am able: — My Illness has detain'd me here upon Cost, or I had been with all my Family at Woodbridge by this Time, — I have not but a Wench and three Young People with me: all the rest are at Woodbridge, tho' little or nothing going on, but Sickness. — I wish I may know where to put these Materials for your Pleasure, as I would leave them: — If I can get to New York before the first of May, I will; but last Post, I had a Letter from New York, telling me a Rumour prevail'd there, that I was turn'd out or superseded in that Place in the Custom-House: — tho' I do not know what Grounds there are for such Report, yet as tis possible, I can't contradict it: — Those who gave it, can doubtless take it away, — and if it is so, I submit: — If it is not so I shall proceed to New-York as soon as I can, and know the Truth: I shall endeavour to execute it faithfully and honestly to the best of my Skill, that I may not disgrace your kind Recommendation: But if it is taken from me before I enter into it, neither my Ability or Integrity will ever be called in Question on that Account; I will go nevertheless, God willing to New York and keep the Comptroller's Office there for one Year at least or as long as I shall be intrusted with it: — I wish I had not been engaged to this Job I did here before I knew it, and then I should have gone immediately, — for I have made nothing of the Job, by Reason of Sickness and frequent Lets in the Way, which has kept me so long in doing it, as to eat up all my Profits. — two of my Boys has had long Sickness, and My Son, my Daughter and self have all had almost as long Doctor's Bills as Butcher's — and we are not well yet. —

Jan. 7. This Day heard from Woodbridge, my Son then alive yet

and some sanguine Hopes of his Recovery: — I also received a Letter from M^r Holt, in answer to one I wrote to him about Balfour, — that part of it I send for your Perusal of it. — as the Nov^r Packet is expected and may sail before I have warning, I write this beforehand: and here it may not be amiss to say something about the Money you paid for me to M^r Strahan. When you went away I had near £100 Sterl due in the Post-Office, and I purposed as soon as I heard of your Arrival in England to have tried to pay as far as it would go: — The Beginning of March, I had not yet heard from you, but Mrs Franklin wrote me Word, she had by advice of your Friends, purchased a Lot of Land adjoining your House, for which a large Sum was to be paid down: — As I had not Money myself, I directly went off to New York, and requested some of M^r Colden, as I could not readily find any other, — he with Difficulty let me have £100, which I immediately sent to her. — it help'd a little to make up the Sum, but as I had not heard from you, I charged it as paid to you on the Post-Office Account — Some time after I received yours about y^e Payment of Strahan: I can't help confessing y^e Stile of that Letter was not pleasing: — I never was nor never will be such a Hypocrite, as to speak contrary to my Mind, but I will let that drop: — The first Money I got of the Post-Office Money, I paid M^{rs} Franklin £172: 10 — Phil' — at that Time £100 Sterl. and then gave her my Bond for £65 — odd Sterl. being the whole of the Remainder, with the Interest from Feb. 1. — so that in that you get Interest for Interest of some part of it. — and this is what I tho't Right and Just: — If it shall be proved otherways hereafter I will allow it, — for I never wanted to wrong any Body. I have rather oftentimes wrong'd myself — and it always was a Maxim with me so to do. —

Jan. 9. Now I have mentioned M^r Hughes of New York. He readily allowed the Goods you sent to be delivered to my Order, — but said he had not requested a 10th part of them and the Electrical Machine, he understood was not to exceed two Guineas: — He has not yet surrendered up his Estate, but keeps close in his own House, and keeps a School, and is so situated as the Sheriff can't easily come at him: He has offered to deliver all he has up, but his Creditors won't accept it, in Hopes if he is sent to Goal, that his Brother would relieve him: — This he says he will by no Means allow of. — Things remain so: — Tho' would they take all he has got now, and let him go free, he would he thinks soon get into a tolerable Way again, as he has a very good School: and he would then take some of the Goods you sent, and make Payment: but as it is, we are in Suspence about him: — Were I able I would go to New York, and try to dispose of them, but in my present Illness and the Confusion of the Times, they must lay till something alters. — I hope the Goods won't damage by being kept pack'd,

tho' perhaps they may get no good by it, especially if they should have happen'd to be damp'd in the Passage, but as tis, I durst not trust them to be open'd out of my Sight, lest some of them melt, as I have known such Things happen.

Jan. 10. No News of y^e Packet this Post, but I had News from my Son, that he is some what better, and good Hopes of his Recovery. — I hope it may be so : — tho' he is represented to be quite low indeed. — I think I am a little better myself to day, tho' far from being well. —

Mr. Foxcroft is gone to Virginia again, tho' he said he would not Stay long : — I suppose he wrote p last Packet, and I have nothing materiel farther about the Office : I fear the cold weather will detain him longer than he imagined. — I told you in my last, it was thought most expedient to order Benny Mecom to pay half the Hartford Rider's Allowance, in Connecticut Money : because it would suit the Rider in that Money, when he Benny could not get New York Money to remit, at the same Time, it would keep the Ballance from running too high against Benny, and save the Sum in M^r Colden's Hands, who before paid it : I have not had Benny's Accounts since last March, tho' I have wrote to him often, and have last Post wrote more peremptorily to him than usual : — He paid some of his first Ballances to the Post-Office, but he has not paid me a Farthing of a small Rent he was to allow me : — nor indeed can I prevail upon him so much to get the better of his lethargick Indolence as for him to write to me, but very seldom ; yet I don't find that any Fault is found with him lately about his Office or printing.

As to the Affairs in New Haven of M^r Holt's, you know I begg'd to be excused the intermeddling with it, as its acting against myself : for I never can get it out of my Head, that he, or rather I, ought to have above £150 of that Money : but I submit to the Trial, — I have not interfered, — I have been told the Case was referred to Auditors, or Referrees appointed by the Court, but I have not heard what farther has been done, — I suppose M^r Ingersoll's present Troubles, of which no Doubt you hear, has prevented his pushing the Matter : — I rest in Patience, as I can't help myself any Way, not doubting, but the overruling Hand of Providence, will work to me the best, at least in Reality if not to Appearance.

Jan. 12. Two Days past moderate Weather, the Ice almost thaw'd. but to Day cold again : the Ice fixed, but no crossing the River = or expected to hear from N york, &c — Your Daughter in Burlington was to go home two Days ago, but no crossing the River : since ; — I still remain under the Jurisdiction of the Gout, tho' I am well tired of the Confinement, as well as the Pain : — It tyrannises over me at a hard Rate. — nor is my Situation the best suited for it, as it might be,

but I can't get away, tho' I very much want to. Perhaps I have by this Time almost tired your Patience, and as I hope the next News I hear will be the Arrival of the Packet, I will close this, to be ready to send it, and if any thing happen material, I can add a Bit to it —

With all Respects, remain

Your obliged Humble Ser^v

JAMES PARKER

12 Clock. Just now heard Packet is arrived, so close my Letter and send it off: — Had none from you by it.

Jan 11. 1766

Forasmuch as I have asserted in y^e Letter, that I could not help thinking upwards of £150 of the Money, Mr Holt is sued for at New Haven belongs to me you may Require some Reasons for my so asserting: — The Case then is really this: — Before the Year 1755, when I went to New Haven, you know there was no Post-Office between New York and New London, — all Way-Letters from & to the Places between those two Towns were the Rider's Perquisites, and you can hardly help remembering that the Riders complained much of being deprived of them by the Means of Norwalk and New Haven Offices: — But as to Middletown and Hartford, the Inhabitants whilst Living was cheap hired a poor little Man, to meet y^e King's Riders at Seabrook: — All Letters from any Post-Office to those Places were accounted for, but any from y^e intermediate Towns, were the Riders' Profits: of which a good number went from New Haven: — Upon erecting a Post-Office at New Haven, the Inhabitants of Middletown and Hartford declined hiring their Rider any longer, and it was some months in that Condition: — I went there y^e Beginning of January, in April following, I attempted to begin a Newspaper and as it must be naturally concluded, that the most of my Customers would be off the Common Post-Road, I was applied to, and induced to hire the little Rider, (Brookes) to go between Hartford and New Haven. — I wrote to you to Philadelphia about and you did give me some Encouragement in it: — Several of the Inhabitants of Hartford, were induced to subscribe for y^e Paper, for the Benefit of the Riders coming there: — For the 8 or 9 Months that I was there and hired the Rider, the whole of the Pay for the Papers taken by him would not pay him, but I got something by the Letters received from thence. and expected as much by Letters sent Thither, but of this last I was entirely deprived: — Matters continued so with Mr Holt for near 6 Years longer, in all which Time, we paid more to that Rider, than we ever got for the News papers he carried, being £40 a Year lawful Money, and allmost all the Money got for Postage of Letters went to pay the Rider: Tho' had we not hired that Rider not a Letter

from any Post-Office would have gone to or come from Hartford & Middletown:— M^r Holt declined settling, because he was in Hopes you and M^r Hunter would have made an allowance: for we paid in that Time, £200 Lawful Money for a Rider,—for which all y^e News-papers he carried, were they all paid for, would have fell short of y^e Pay:— You may ask why we did it?— But why does any Body venture on unbeaten Tracks and often get ruin'd by it, whilst others reap the Benefit of their Venture When Mr Holt came to New York, he hir'd the Hartford Rider @ £90 — only p An. — for two years,— as he had a Prospect of a great Run of News papers; and by him we did not lose so much proportionably as by the others:— yet as M^r Hunter order'd M^r Colden to keep that Riders Returns separate, it to me is a Proof, of what I know to be true that M^r Holt was to have some Allowance out of it: but it pleased God to take Mr Hunter away, and we were deprived of that:— The hiring that Rider at first certainly did not answer the Purpose: as few such Adventures do at y^e Beginning, but it certainly will be advantageous in Time:— However I believe in that we suffered in the two year about £70 or £80 — Loss!— Now on the Whole, as M^r Holt owes me, and this Money is the King's, so if he is compell'd to pay it, I lose it, because he has scarce much more than will pay the King: This makes him indifferent in the Matter, seeing if the King has it, I can't have it: and if the King don't take it, I shall:— Altho' I have not interfered in this Trial One Word, only in my Application to you and M^r Foxcroft, both of which turn a deaf Ear: (for none so deaf, as those who will not hear). Yet I say, I can't help thinking, nay I am morally positive that in strict Justice, we, or rather I myself, ought to be allowed above £150 Lawful Money, let the Judgment of the Auditors on Trial, be as it may:— In a vacant Hour I have scribbled this, tho' I am resolved to suffer patiently knowing that the Divine Providence can over rule all Things for the best: tho' my Follies make my Deservings very little or Nothing from it.

WOODBIDGE. March 27. 1766

HON: SIR,— My last to you was from Burlington, with the Accounts from whence I was soon after Summoned here, on the Occasion of my Son's being, as was then thought, at the Point of Death:— It pleased God however to spare him a little longer, and tho' he is not yet well Yet he is stirring about,—and has some hidden Disorder lurking in his Bowels, which we cannot investigate:— I have been better since I returned Thither, but am not well recovered,— I am preparing for New York with all the Expedition possible for me, hoping as the warm weather approaches I shall get well.— M^r Foxcroft

I told you was gone to Virginia, from whence he is expected at Philadelphia, the first of April, — I had One Letter from him ordering me to issue the inclosed Letter, which I have done : — I have not the best Prospect of any one good End being answered with Holt : — Royle is dead, and there were several Competitors, so that Holt can't go to Virginia, and tho' he is by Articles to deliver me up my Materials, yet I am informed privately, tho' he will not own it to me, that he intends to continue his Paper, having engaged and got ready other Tools for that Purpose : what Truth there may be in it, 5 or 6 Weeks more will show : — tho' I can get no Settlement or any Money from him.

I told you, that your Box of Books &c. p Tillet, I paid the Freight for, and had put in my Store in New York, — I have not been able to go there yet, as the Weather has been bad, and I not much otherwise ; but another Box p Capt. Berton, supposed to be the Electrical Machine, we cannot get up, as you have never sent either M^r Hughes or myself any Bill of Lading, and he won't deliver it up without, so it rests : — If I can sell your Goods when I go at the Cost your Invoice mentions, I will — otherways I must keep them and retail them myself : Perhaps you will think it best I should keep them, and pay you : — This might be the best Way, if I could readily pay them ; — and to pay Interest is almost too heavy for me, unless I could get what I think I am deprived of thro' Holt's Means, which I have but very little Hopes of — Were my Strength equal to my Will, I would still make one Push more, — but I fear my Constitution is gone.

Benny Mecom continues — I fear on the going-back Road, — I can not get him to do any Thing hardly, and I should be much alarmed about him, but that he pays half the Hartford Riders Salary, which being £50 p An. I believe takes almost all the Money that may arise in his Post-Office, but I have not received a penny yet on my own Account from him, — nor can I make him reply to any Letter I send him, — and I fear grows more torpid than ever.

I have not had the Pleasure of one Line from you these two Packets, but its no Consequence, except the Bill of Lading mentioned be so. — As to publick Affairs, you get them from better Hands, than I can pretend to. — So have Nothing more to add, than Respects from

Your most obliged Ser^t

JAMES PARKER



By his Excellency Sir Henry Moore Baronet
Captain General and Governor in Chief in and
over the Province of New York, and the
Territories depending thereon in America
Chancellor and Vice Admiral of the same.

To all to whom these Presents shall come or may
Concern Greeting —

Know ye that at the City of New York on the Day of the date hereof
James Parker Esquire Land Waiter of the Port of New York, appeared
before me and did then and there take and Subscribe the Oaths and
Repeat and Subscribe the Declaration enjoined by Law, and did also
take an Oath for the due execution of his said Office of Land Waiter,
and was thereupon admitted to the said Employ.

Given under my Hand and Seal at Arms at
Fort George in the City of New York the
Third Day of May 1766 in the Sixth Year of
the Reign of our Sovereign Lord George the
Third by the Grace of God of Great Britain
France and Ireland King Defender of the
Faith

[Large piece torn out showing on
opposite page the name H Moore
written in pencil.]¹

NEW YORK, May 6. 1766

HON^d SIR, — Agreeable to your Requisition and Opinion, in yours
to me of the 11th of May, and 8th of June last, I am now come up to
this City; and been accepted to the Exercise of the Place of Land-
Waiter here, the 3^d of this Month, and an Account with the Bond
executed, and a Certificate of the Matter would be sent with the
Packet, but the Surveyor-General, M^r Stewart, who is at Philadelphia,
having wrote the Collector here Word, that he would be here in a Day
or two, the sending him the Bond and Certificate was delayed, and he
being the Officer directed to send them home, they will probably not be
sent till next Packet. — I had been let to know, a considerable Deal of
Trouble and Fatigue was expected to be the Share of this Office, and
I am fully Satisfied it is so; but I am resolved to do my Endeavours to
the best of my Ability, to give Satisfaction, more from a Principle of
honouring my Recommender, than from any great Benefit or Advantage
by the Office. — I thank God, I am pretty well in Health now, and

¹ This document is indexed as "Proclamation of Gov^r of New York, certifying James Parker as Land Waiter, May 3, 1766."

while that continues, I hope all will go well, but as that is precarious, I know not what will be the Case, if that fails me again.

With respect to the resuming the Printing Business here, I have a Press here, and some Letter, and Shall do any Work that offers, that my Hands are capable of ; but from the most deliberate Consideration, and consulting my own Mind, I think it not quite expedient to print a News-Paper myself yet a While : — and for these Considerations : — In the present unhappy Times, when the Sons of Liberty carry all before them, M^r Holt has gained very great Popularity, and being back'd by them, seems to have a Run of Business : — his Brother Royle being dead, who had purchased the Printing-Office that was M^r Stretch's, and which was never used, M^r Royle's Right in it was disposed of, and M^r Holt's own Brother in Virginia,¹ aided by the Sons of Liberty has purchased it for him. — With those Tools, if I take mine from him, he designs to set out another Paper : — Now, as he will be supported by the Sons of Liberty here, who are all-prevalent, and who look with bad Aspect upon every King's Officer, and in particular on those of the Customs and Post-Office, I apprehend I should fane [scarce?] be able to Stem the Torrent, and while he and I, like two Dogs, were fighting for a Bone, the Third would run away with it : — Therefore, as he is desirous to keep on good Terms with me, if I will let him carry on the Paper alone, in his present good Prospect, so I apprehend, as he owes me a great Sum, that it must be the only Way for me to get my Money ; for then I might be able to distance him in Time, which in the present Circumstances of [torn] very doubtful, yet it would probably be at my own Ruin : — These Considerations [torn] weigh with me, but whether you will or can conceive them in the same Light, is [torn] am not so clear in : — However, I submit it. — I have been a Father to him for he [torn] neither have carried on his Business, or held it at any Rate but for my Help. — [torn] Office of Stretch's, by the Invoice I have seen is very compleat, full and good, and the Price Royle gave was but £209 — Sterl. — and I doubt whether Holt's Brother gave that : and in that is included two Presses and a Quantity of Ink ; whilst mine that Holt has is almost entirely wore out, at least all the common sized Small Letter ; which would make the Match the more unequal against me, if I engaged. — Should I arrest Holt for what he owes me, it might look like Spite too much, and he might take the Benefit of the present Act of Insolvency here, and be afterwards set up and supported by the Sons of Liberty, as they are called. — It is possible nay probable that Times may alter, and if I shall ever be able to procure two or three Fonts of new Letter of the common small sort, I might then be able to encounter with better Hopes and better Strength : Also, I think Weyman is still declining, and if we quarrel, he will

¹ John Hunter Holt ?

recover Strength, which I am not very desirous of contributing to, tho' I shall never attempt to hurt him on Principle, yet I had rather avoid benefiting him. — I am preparing to fit up my Shop, and to put the best Foot foremost that I can. — I just opened your Box of Goods, and find they are not damaged: I have offered them to two or three, at the most moderate Terms from the Invoice, but tis said some of the Articles come too high charged, and none would purchase for Cash: Holt would have taken them on Trust, but I could not betray mine in that, so I think I must take them myself, and make the best of them I can, and am willing to allow you Interest from the Day I take them, which is this present: — If I could do better for your Satisfaction and Interest, I would. — I have not the Electrick Machine yet for Want of the Bill of Lading, and Mr Hughes keeps close himself, tho' he is one of the Sons of Liberty — He desired me to return you thanks for your kind offer of the Loan of it.

The New Haven Affair with Mr Holt is not yet determined; for tho' the Sons of Liberty have been so powerful, yet in Fact, little or no Business has been done in any place in the Law Way, — the Courts indeed begin to open now: — Benny Mecom pays one of the Hartford Riders, which I suppose to be nearly what his Office produces, otherways my Hopes of him wax fainter and fainter, — I have repeatedly wrote and pressed him, but he renders abortive all I can do: — He has never paid me One Farthing Rent yet, tho' he promises me some this Month, and promises all his Post-Office Accounts also, so that I hope by the next Packet to give you a more favourable Account of him: God grant it may be so!

I have not heard from Mr Foxcroft for two or three Weeks past, — he has been above a Month expected from Virginia, whence he went in the Winter, — I don't know any Thing very Material on the Head of the Post-Office, but this: — That the Sons of Liberty finding themselves the Ruling-Party, begin to take upon themselves the governing part also; Mr Colden tells me they make the Captains of Vessels deliver their Letters at the Coffee-House after their old and accustomed Manner, — tho' against the Captain's Wills, except now and then one who happens to get in unperceived or in the Night; and he durst not say any Thing against it, nor dare the Collector refuse to enter them: — it is surprizing to see the Influence they have, and the Dread every one is Under of Opening their Mouths against them.

Tho' we have had a very mild Winter, we have had the coldest and most backward Spring I think that ever I knew, there has not been but one warm Day properly speaking since the Month of February, and it is so cold now, that I am obliged to keep by the Fire: The Fruit I believe will be much affected by it. — Trade and Business seems very dull in this City in Comparison to what it us'd to be, and yet Pro-

visions as well as every Thing else, are excessively dear and indeed scarce.

I received your of Feb. 26. by this Packet, and observe the Contents thereof, but as there is nothing more material to say in Answer to it, than what is already wrote, I have only to add respectful compliments and remain

Your obliged Humble Ser^v

JAMES PARKER.

Holt has never settled any Accounts with me, I shall try now to get 'em done amicably while I [*torn*] him to continue the Paper, perhaps I may get it better than if we differ first.

NEW YORK. June 11. 1766.

HON: SIR,—Yours of the 6th of April last, via Philadelphia, I received here but had none from you p the Packet, which arrived since:—In my last to you of the Beginning of May, p Packet, I told you of my coming here, and my Reasons for not immediately printing a News-paper:—Since that I having my Certificate and Bond to the Surveyor General of the Customs, I am told he has sent them Home by a Man of War, that sailed soon after he got them:—

I am glad you got the Letter with the State of the Accounts:—I don't doubt but there are Mistakes in it,—I had no Thoughts of closing them: Altho' such State as it was possible to make by the Time mentioned was sent home, and I would now willingly put up with One Hundred Pounds, Loss were but as good a State for Settlement that is as perfect from Errors, made between Holt and I; but that I fear is not possible.—I am so far from thinking it needful for me to close Yours, that I don't think any Thing beneficial, that I have done, but that you and M^r Hall might have done it to more Satisfaction to both Sides than I have or could do:—As I have been as *unjustly* treated by M^r Holt, as its possible I could be, and am so much a Sufferer by him: At the same time, whether by his Superior Cunning or by Accident, Col. Hunter only being bound for performance of Agreement, while Holt is in that Affair clear, I must beg Leave, tho' I may only be found a Fool for my Pains, to lay as concise a State of the Affair before you in Hopes you may lay it before Col. Hunter himself, that if I can any Way have some Justice done me, if its only so much as to save me from impending Ruin

You know the first Acquaintance or Knowledge I had of Holt was from your and M^r Hunter's recommending him to me, requesting me to teach him the Printing Business:—It was enough for me that you recommended him:—What I could do on that Head I did:—Before I began a News-paper at New Haven, I offered him that Printing-House, on the same Terms I had it of you, but he declined it

quite ; On my own Strength I began a News paper in April, hired a Rider at my own Expense to carry them up to Hartford, on a Post-Masters being appointed at Hartford and Middletown just before I went to New Haven, the People refused to hire a Rider to Seabrook : Whereupon the Rider applied to me to hire him : — I did, to my great Loss, to the Benefit of y^e Post-Office, — This I can make appear. and continued it Six Months, before it was sufficient to quit any Costs, being before that greatly out of Pocket, — We are short-sighted Mortals, and don't know when we go too fast, or too slow, — Holt who was with me all the While, being such a Prospect of Success, became then desirous of the Place : — As I had before offered it, I did not love to be worse than my Word : — tho' after I had run the Risk and beat the Road, it would not appear so eligible in him to ask it, — and indeed, I should never have attempted to beat the Way as I did, but for a Prospect of providing a Place for my Nephew (I believe you Sir, once designed a Favour for your Nephew but was disappointed as well as I) — He then was with me, and M^r Holt seemed pleased much with his disposition : — After discoursing the Matter, M^r Holt took the Heads of our Proposals, to consult his Friends : He went to Virginia : — they approved of them : — He returned, and drew the Articles himself, according to his own Conceptions and Will. the Books and Stationary, that were mine and these were one Half to be paid for to me at 112½ tho' I gave 125 — and the other Half to be accounted for to me when sold at the Retail Price — By these Articles, Accounts were to be remitted to me every three Months at least, — Besides my Nephew, he had my Apprentice, which under the Circumstances he came to me upon, was very disadvantageous to me, as the Lad's Parents were to find him Cloaths the first three Years and I the last : — these first 3 years I let Holt have him. at his Intreaty, tho' against the Inclination of both the Boy and Parents : — Quarter after Quarter pass'd and tho' continually requested, no Accounts sent : M^r Holt had a fine Hand at parrying a Dun, or making an Excuse : — When my Nephew had lived with him little more than one Year, I had continual Complaints of his Dissatisfaction with Holt, and he being near free, absolutely disliked the Place : — I had designed to give him my Half of the Tools if he had merited it, and liked the Place : — On the Expiration of the Term for which we had agreed, and for which Col. Hunter was bound, I wrote to Holt, as y^e substitute appointed by Col. Hunter, to give him the Refusal of buying or selling : His Answer was — He should not chuse either : but would rather, if I would consent, continue as we were for some Time longer (perhaps a double Meaning was in this, that is to continue without accounting or paying, tho' I understood it on the Terms of the agreement only) I consented but at the same time pressed the Settlement of the Account, and Promises were not want-

ing: Shortly after this Col. Hunter pass'd our Way, and hinted that if Holt could make it out, and was minded to purchase, he would do it for him: — Here I was short in not pressing and inviting him to do it, which I repented of ever after: From his kindness to Holt, I was more inclined to have a good Opinion of him, and thought the chief Reason of his delaying to account, was want of getting in his Pay, which I knew in the News paper Way is slow: As I supplied him with Paper, and Ink, for which he remitted me the full Ballance, and did not run into my Debt any farther, I was easy, in Hopes it would come some time or other. — When Weyman and I parted, Holt had made me some Offer of coming to assist me which I took kindly, but thought it most eligible to decline it, and put my Nephew in at New-York: for some Months he behaved tolerably, and I thought he would mend with Years and Experience, but he took to drinking immoderately and I saw he would soon run to Wreck and Ruin: — I then wrote to Holt, told him my Case: that I would either Withdraw my Printing-House from New-York, and cease my Connection with him also, as I should chuse to bring my Matters in to a less Compass, unless he inclined to take that at New York, — that if he chose it, he might try a Year or two, — and if it did not answer, he should be at Liberty to return, without paying a Farthing for the Use of the Tools, or if it answered, that he Should purchase the Half, and be on the same Terms as we were at New Haven, — that as he frequently complained, that he could not get a Clerk there to assist in settling the Accounts, I told him, if he came to New York he might easily get one: — (In order as he says to get his Accounts in Readiness he delayed coming from February to July) — He accepted the Proposal and came: — I spared him my Hands, my Help, my House and my Advice: — he hired a Book-keeper 6 Months While there, but I never could get any Accounts, — This at last brought on almost an open Rupture: — It would be endless to recount all the Arguments and Disputes we had, — You know part of them, and Col. Hunter, who came along about that Time knows also of my Complaints of that Matter. — Mr Hunter dying that Year, the Sound of £1000 left Mr Holt, made a great Noise in his Favour, and I was threatned how Strong he would be, if I sued him, or he should set up against me, — tho' I wanted nothing of him but a Settlement, — but I never could get any, or a Sight of his Books — At last he told me he could not attend to keep new Accounts as they went on, and settle the Old, but he would hire the House and Business of me for four Years if we could agree, and that then he should not be necessitated to keep Accounts of Partnership, but would apply to the settling the Past ones: — As we had before discoursed about the Place and Business, I supposed the Business and Tools to be worth £800, that if he pur-

chased the Half, as we at first proposed, and to go on in Partnership, he should, for the Half the *Tools* and *Business*, give me £400, — and thereupon I told him, that as the *Tools* wore out fast, and the *Business* was good at that time, that the four Years Purchase was worth the Half the Whole, which was £400, that if he would pay me £400, down, he should have it at that Price: — M^{rs} Holt was then in Virginia, and I would not agree till she returned because the Money was to come from thence: When she came, she consented, tho' a little to my Surprise, because she had often desired to return to New Haven: — but it seems that was only outside: — The Money was to be paid the first of May according to y^e agreement of the beginning of the Hire: but when it came to, I never got but £80, in Cash, and his Bond for £320, which has lain ever since: — During these four Years, I have wrote and pleaded many a Time for my Accounts, and he had a Clerk or Book-Keeper near 3 whole Years; and yet I can never get the sight of an Account: — I have extorted small Sums of Money from him for Sugar Tea, Flour, and sundry such Things at the Worst Rate conceivable, and he has wrote me more Paper to excuse the not sending them, than would have held them but he is a great Writer as an Author, but not as an Accomptant. (I wish to God Sejanus or Anti-Sejanus had him in England to write for them there; he then perhaps might be in his Element) — Besides the Partnership, he had all the Books left in my Shop, great Part of which were those, I had of you, Sir, which arrived here in June 1760, and Holt came the beginning of July following, and for which I now stand bound to you: to these were added all those which you paid for me to Mr. Strahan besides the greater Part of those from Hamilton and Balfour of Scotland, for which I am threatened with a Suit, and all this exclusive of sundry Things had of me, for which I have scarce in my Opinion got Half the Pay — Upon your recommending to me last Summer to resume my Business in New-York, &c. I wrote to New-York to Holt, telling him my Purpose, and that as my Conduct to him, had been always candid and open, I had a Right to expect such Treatment and begg'd to know what he proposed to do: — He answered, he had formed no Plans at all, nor should he be believed, but when the Time was up, he would deliver up the *Tools*, and would then settle his Accounts and other Affairs, collect in his Debts, and see how he Stood with the World, for that he found himself unable to go thro' the Task in the Business he was in, — This Answer made me a little easy, because I thought it was candid, and the best could be done for both of us, and accordingly made the necessary Preparations; tho' I had heard it hinted that when M^r Royle was up here last Fall, he had tried to purchase those *Tools* of him, that were M^r Stretch's, but Royle would not trust him, and he could not raise the Money: — I heard no

more of it, till after Royle's Death, when it was again hinted to me, that he was about purchasing 'em, but I had not a very great Concern about it, because he had so often pretended his *honest* Intentions to me: His many Equivocations, and Quibbles, had indeed, given me but a mean Opinion of him, but I had not quite so bad as he turns out.— During the late Troubles he was arrested as I am told for some Books he bought just before you and Mr Foxcroft got the Post-Office Books of him,—The having acquired some Reputation with the Sons of Liberty, and telling them (as I hear) that if he went to Jail, his Paper would Stop, they paid that Money for him,—and probably with what Money he had provided towards paying for those Books he has purchased Stretch's Materials—When I came here the first of May, he in his Smooth-tongued Manner, told me his Brother in Virginia, had been so good as to buy them there for him and lend them to him;—pretended he had now got into great Vogue, and could not drop such a Living; that he would be glad to live in Friendship with me, and he had Work enough, and would recommend me, &c—*very generous* thought I, only my Accounts and settlement is wanting!—He said. if he could get somebody to take Care of his Business for him on good Terms, he would set about the Accounts:—At his Request, I sent to B. Goddard, whose Attempts at Providence had not answered, and who had wrote to me to help him to some Birth: He came—but Holt would not agree to what I thought not the most favourable to Goddard: finding they could not agree, I determin'd to arrest Holt, and print a Paper: He thereupon issued a new Paper without any Notice to me: I next Morning wrote the inclosed printed Piece: but before it was done, he sent for Goddard twice, and consented to his first Proposals:—I who want Nothing more than a Settlement, have sacrificed every Thing to that Consideration, if he will settle in three Months, I will not do a News-paper in a Year,—if not, I shall be obliged to do one in my own Defence—tho' I suppose I shall hardly be able to make my Way good, under the present Circumstances, yet I believe it will greatly hurt him,—and if I arrest him, I may not be able ever to get a Settlement,—or to get any Thing of him, but his Ruin, which I do not Want, if I can get any Thing without.—As Green at New Haven delayed all Accounts to me, and I could not sue Holt on that Account, I attach'd the other Half of the 6 Years worn Tools, at the Time B. Mecom surrendered up I offered them to Mecom, on his own Terms.—He proffered £10, for the first Year, £20 for y^e 2^d—and 30 for y^e 3^d—so as to make it £20 p Ann. which was but one Half of what Goddard gave for Green's—I have trusted him with about £20, also, but I can't get one Penny of Mecom and begin to fear, I never shall:—I have wrote pressing, but all won't do:—I can't get the Post-Office Accounts of

him, tho' as he pays one of the Riders £50 York p An. believe he can't be much behind-hand there: but otherways believe he is irrecoverable, and I the Sufferer on all Sides —

Perhaps you will say, what is all this Rig-ma-roll to you or Col. Hunter? — Why, I don't know, — unless you or he Shall suggest it something, it is nothing, — but a Story. — I then leave it. — Since my return to this City, I have had no Opportunity of getting the Electrical Machine, the Captain who brought it not being at home, and no delivering was to be had of him, without a Bill of Lading, which he says he signed. Mr. Hughes keeps close yet, tho' the Person for whom he is bound walks at Liberty like a Gentleman: for as he has Nothing they don't trouble him, but think to get it of Hughes, — I told him what you said, he thank'd you kindly, and when the Captain comes home, we shall try to get it. — Tho' the Gout threatens me, yet I have had but little of it since I have been here, but if I am violently attacked, I don't know what I shall do: for I am obliged every Day, to walk from one End of the Town to the other, along the Wharffs, they being determined I shall do the Utmost Duty — And I comply with the more Alacrity, as I won't disgrace the Recommender if I can help it, tho' God knows, I shall well earn the Allowance for it, — We are sworn to take no Fee or Reward, &c. — and I know not that there is any one Perquisite or Allowance for any Thing: — If the Parliament should take off some of the Duties &c. it may make the Service something easier, unless it pass as I have seen it hinted, of Sugars being Stored in the King's Store-Houses, and then it will be worse for me, However better or Worse, I will try to make the best of it: — I am sorry to find the Bulk of the People still disputing the Authority from home: — They think and find the Parliament have given Way in one Affair of Grievance, they begin to imagine both the Post-Office and Custom-House, are like Grievances: — With Respect to Custom-House Officers they were always look'd on as such, but never disputed, till now: — The Post-Office has only in Part been look'd on as such; and that is Still so: — for Notwithstanding the late Acts of Parliament, direct every Captain of Vessel to carry his Letters to the Post-Office and order the Collector not to enter the Vessel till a Receipt is brought from the Post-Master, yet Nothing of this is regarded here: — The Moment a Vessel comes in, the Letters are seized by Force, and carried to the Coffee-House, where they are cried out, and delivered even before M^r Colden's or my Face, and the Collector durst not, or will not refuse to enter any: — I spoke to the Surveyor General and to y^e Collector about it, but could get no Satisfactory Answer: — *They are*, I should have said, *we are* all afraid of the Populace: for the Tail is where the Head should be: — The Spirit of Independence is too prevalent, it does not subside much, and but little real Gratitude appears yet: — The Assembly both here

and at New Jersey sit this Day, and perhaps they may remove some of the Prejudices subsisting: — Mean while I must sing small. I have no Work, — my Tools all worn out, or, rather destroyed, and I not able to purchase new, or even help myself: — Whether my *ill-Nature*, of which I am accused of having a great deal, or my *good Nature*, of which I have but little; hath brought these Calamitous Circumstances on me, must be left to the World to judge here, and to my Maker to punish me for hereafter: However, I never had any Reason to doubt that the good Providence of God, which has hitherto preserved me, will now leave me; I have had your Favours at Times, which I always endeavoured to retain a grateful Sense of: — I have met with many Crosses and Adversities, whether they proceed from my *ill Nature*, or not, I shall not determine: — Before I had any Friends, or Favour from any, I lived; I owed no body, — nor wronged any I did work, I could work, and I was always resolved to work, The greatest Troubles I ever met with might make me fretful and waspish, but they never shall make me *unjust* nor *idle*: — I can struggle thro' Misfortunes, and brave Adversity itself, but unkind Returns of Friends, or those I thought so, and have been friendly to, cuts me deep: — The Losses from Heaven are Accident, of which I have had as many as my Neighbours, neither dejects or dismays me, but it seems hard to see other Persons eat, drink and go well in Cloaths, with my Sweat and Blood, and I in real Want myself; This you may call *Envy*, or what ill-Names it may deserve, but its a Trial few can patiently bear. — I will try to do it. —

I am now come to this City, in Conformity to the Injunctions of the Post-Master General: — The same Duty, that I have hitherto done in the General Post-Office, I continue to do; — If there be any different or peculiar Service, Method, or Transactions for me to do on that Head, or Matter or Conduct different, required of me, — I shall be very glad to know it, and if in my Power to do it, shall comply: — Whatever I know to be my Duty in that Office, I strive to do, — but I may be ignorant of some part of it: — M^r Colden is my Superior in the Custom-House, whatever he may be in the Post-Office, and I never assumed any Authority over him, — tho' I have perhaps often faulted his Conduct: — Indeed, I have sometimes thought he has been above his true Business, and assumed more than was consistent with his Duty, but he is a Worthy Man I believe: — He enjoys other Offices of good Value, and being much on the Gentleman-Order, does not give that Attendance in the Post-Office that the Publick expects or desires, tho' he has a Right I believe to do it; — that is, he will not attend at all Hours, but only at such as are or may be called Office Hours: — He keeps two Clerks, but they will not attend at all Times, — The Merchants I have heard complain of him, but whether justly or not, I can't farther determine. — What ever Money I get in, I send to M^r Foxcroft, from whom doubt-

less you hear particularly; — and any Orders or Directions I receive from him, I endeavour strictly to obey. —

I must touch again a little on B. Mecom: — I have lately had some Letters pass'd between us: — for till lately very few pass'd; — tho' I frequently press him, to see if it be possible to move him; — He lives still in the House that is yet Holt's, and I hear has paid him no Rent: — The trial of that Affair is not yet determined, — but I am told, it is to be done the following August, when Holt is to go up there: I have never interfered in that Dispute, as I am a Party as it were concerned I wish it was determined, because if there was any Thing left, I would try to get Something: But this was not what I purposed when I began upon Mecom's Affair. The Thing was, I suppose Col. Hunter, may justly come upon me, for half the Profits of that Printing-Office ever since I took the Possession of it: — now two years: — Now tho' I have never received one Farthing from Mecom, yet upon making me full Satisfaction, and a Settlement for my Part there in the former Time, I am willing he should have his Dues: — The Books and Stationary, that I left there, and for which I had given you Bond for, and paid you Interest for near upon 7 Years I have never been paid for, nor any Account rendered: tho' the very Interest of them, would be nearly equal to what I should get of Mecom, if he paid me, which I think he never will: On the Whole, unless I have some Relief somewhere, which I can't at present conceive, should I keep it entire. I shall be a very great Loser for the whole Printing-Office there now as it stands is not worth £200, our Money, the Business there being sunk, and the Letters worn out, some more and some less than others: — I hardly think Benny will make both Ends meet, even were I to give it him, and his Rent into y^e Bargain, Whether Holt made any Thing by it, when he had 3 Times the Work that Mecom has, is not for me to say, as I can get no Accounts from him, but Green having a Paper at Hartford, and his Brother one at New-London, as it were Split all the Business to [pieces?] — Indeed, Living of all kinds here seems so much altered, — and the Business of printing so small a Demand, — that I have now been here Six Weeks, and I have not had the Proposal of one Job, or so much as a Single Advertisement — Indeed, it will cost me and my Hands two Months work to get the Office to rights, as the whole is in wretched Order worse than a Heap of Pye, and one Half of it battered to pieces; so that unless I get some new Letter, which I am not able to do, I shall never make any great Hand of it here: However, I may fret at it, I do not despair: for if it please God to give me Life and Health, I shall never be afraid of a Subsistence one Way or other, and a Door may open, that I see nothing of yet.

As you propose to return this Summer, I heartily wish you a safe Voyage of it. — It is probable, that it will be needless for me to write

any more to you there, — As you may be set off before any more comes : — I have told you, I took the Things you sent for M^r Hughes, — I opened the Shop, and have advertised in Holt's Paper, but exclusive of a few Things that M^r Hughes took of me, I have not sold but one single blank Book, now six Weeks : — Trade in general is dull, but of Books and Stationary sellers, there are so many here, that a poor Beginner stands no Chance at all. — and so many better sorted, that there is little Inducement for any to come to me.

I apprehend you will be now weary of reading this, if you read it all at once; as I am almost of writing: But as the Jersey Assembly is sitting and I purpose to go to Amboy next Week early, and may not come back till the Packet sails, I chuse to finish before I go : — If I come back sooner, and have any Thing material, I may write again, — tho' I don't imagine it of any Importance, especially if it should be mixed with any further complaining, which I could wish to have Room to avoid, as it can be no Pleasure to you : — I thank God, my Son is almost recovered of his long Sickness, and I hope begins to think seriously of the Station he Stands in, in the World ; — his Affections and Sickness has been long and grievous, but I hope they will Work in him the Effects, I believe, a gracious Providence designs when it sends such : — My Daughter has had a good deal also of Sickness, but we are now all Stirring about. — With all our humble Salutations, remain

Your most obliged Serv^t

JAMES PARKER.

 With regard to y^e printing Material at New-Haven, if Col. Hunter or his Substitute, will do me Justice in settling and paying me according to y^e Tenor of the Articles, he shall have my Half for £90 York Money, or I will allow 90£ for his Half, which he pleases, only settled and cleared first, is all I want, and had rather sell for £90, than buy.

NEW-YORK. Feb 2. 1770.

HON^d SIR, — My last to you was from Woodbridge, where I have been printing the Laws of Jersey pass'd last Session, — that was p Packet, with the Second of a Bill for £200 sterl, I had of M^r Colden, — the first of which I sent by a Ship bound for Bristol, along with which I sent you another Power, — as should have sent by Capt. Davis, but he sail'd e're I was aware of it, as did also some other London Vessels, — That Bill was drawn by Wats & M^cEvers on Harley & Drummond, dated Decemb 21. 1769 — I now send you the First of a Bill I have received from Quebec Office, for £200 sterl, drawn by John Drummond, on Harley & Drummond also, dated 5th Decemb — 1769. I send also the First Bill of each Set of two Bills I have received from M^r Vernon of Rho- Island, who says they are the best he can get: — One of them is for £20 sterl. 60. Days sight, dated Jamaica,

20 June 1769 drawn by Alex^r Findlater, on William Cunningham, Esq^r, near Glasgow: — The other is for £52 sterl, 90 Days sight, dated Newport, Jan 9, 1770, drawn by Hays and Polock, on David Milligan, of London, all which I hope will come safe to your Hands, and be acceptable.

According to your Permission have wrote to y^e Commissioners at Boston and resigned the Place in the Custom-House; — My bad State of Health I had acquainted you with: — I am still but poorly: — when I went to Woodbridge, I was so, and thought myself a little restored by going; — but I cant say it was a great deal; However I can walk a little: — I was concerned at my Non-Ability to open and dispose of B. Mecom's Effects in my Custody; but one M^r Bell, who is an Auctioneer, and who had an Auction here some Time ago, arriving here again with a Parcel of Books from Phila^a, and applying to me to print his Advertisement, I proposed his taking all those of B. Mecom's &c. — he consented to try them at Auction, will get the best Price he can for them: — We accordingly open'd the Trunks, and he is now taking an Invoice of them, in order to their being printed and exposed to the knowledge of Purchasers: — He was accounted, and is a pretty good Hand, — and will join them to his Sale: on Opening them, we found a pretty many of them hurt by Mothes, &c. especially the lettering part, but they were other ways good clean and dry, and many of them — quite good, but as Benny had had them some Years, the most saleable it is thought were sold: — I have not his Invoice, so I can't say — I imagine this to be the best I can do: tho' if I should thereby displease you and y^e others concerned, I should be very sorry: — I will send you one of y^e Catalogues when printed, — also an Account of Sales, &c. — and if Exchange be not high, I will immediately purchase a Bill, and send it to you: — I suppose I could make more Profit of them by retailing them in my Shop, but in the first Place, they are not now a good Assortment, and those damaged will get worse by laying next, I imagine there will be large Assortments sent for by Noel, Rivington and Gaine, as soon as Importations are allowed: — Indeed they have great Parcels here already stored, which they are not allowed to sell, until the Importation takes Place; — Tis said Rivington having married one of the Vanhorne's, is now in affluent Circumstances, and intends to shine away in the Book-Way: Tho' such Tyrants hurts themselves and others too. — I told you two Scots Paper Spoilers had set up a News-paper here called the New-York Chronicle, — they puff'd and flourish'd away a While, but the Paper is now drop'd: — They were ignorant Blockheads. — but have Impudence enough: — I hear they are now at work, or going to work for Rivington, — they must be more skilful than I apprehend they are, or they won't hold that long: — Indeed, they must be better Oeconomists than I; for tho' I drive on

my Trade, as much as I can, it falls short of supporting itself; — and y^e Moment I am turn'd out of the Post-Office, I must shut up here, or leave the Country; but while I have that Office, I can make out pretty well, — and hope by Degrees to work out of Debt; tho' I do not owe scarce any Thing now, but what is due to you: — While it shall please God to give me Life, I will struggle hard, to do to all, as I would be done by: — Holt and I nothing done yet. — I don't think he will hold it many Years — for my own part, my Letter wears out, and I have no Appearance of being able to get new, — so we shall wear out together. — If his Majesty shall please to give his Assent to the Jersey Loan-Office Bills it is probable I shall have a good Job of doing the Money, if I live, but that is yet uncertain: — I am satisfied you will not be wanting in your Assistance towards it. —

I have Nothing material to write of the Post-Office, every thing going on generally as usual as far as I can just now tell: — The Winter has been as fickle, as any I have known, extreme Cold at Times, and Moderate at other Times. — We all join in our respectful Compliments to yourself and M^r Foxcroft, whilst I am

Your most obliged Ser^v

JAMES PARKER.

NEW YORK Feb 20. 1770

HON; S^r, — The 2^d of this Month I wrote you p Capt. Munds, who was then purposing to sail, but for some Reasons known only to y^e Owners, he is not yet sail'd, tho' the Letter having been put in his Bag, I cannot get it back and he is expected to sail soon, — probably this will come to hand first: — In that I sent the first of each of the three Bills, I now send the second of viz. One from Quebec, for £200 sterl, drawn by J. Drummond, on Harly & Drummond, dated 5 Dec. 1769 — the two others from Rhode Island, One for £20 sterl. 60 Days sight, dated Jamaica 20 June 1769 drawn by Alex. Findlater on W^m Cunningham, Eq^r near Glasgow; — the other for £52 sterl, 90 Days Sight, dated Newport Jan 9. 1770 drawn by Hays and Polock on Dav. Milligan of London: — M^r Vernon says they are the best he can get, — I hope them safe to Hand and all acceptable.

Yours of the 10th December p this Packet I received: — I have resigned the Custom-House Business, and have got my pay: — For your Amusement I send you the Account of the Attorney — I have now done with them, but I can not help thinking it hard as well as absurd that the Officers must appoint such Attorney as the Commissioners please to direct, and that Attorney have 5 p Cent, for receiving the Money, and paying it away, or rather only delivering it to Order. — The Attornies of the Officers in England never had but 2½ p

Cent. and this Tool of the Board has 5 — whereas M^r Hubbard would have received it for me for nothing: — This Man must suck the Blood of about 200 poor Officers, and make double what any of them can make: — the King new the Risk of the Money going to Boston, and every Officer in America, run the risk of it coming back to them, — such Absurdity is to me inconceivable; — In England an Officer could sell his Bills to Advantage, but to Boston, only the Money itself must come generally. — But I've done. — I wonder a good deal what is become of Robinson; — he has not even wrote to his Wife, she says. —

The Affair of Mecom's Books, I mention'd in mine p Munds since which have proceeded to have them all sold at Auction. — Inclosed is a Catalogue of the Auction: — all in this Catalogue to N^o 103 — were M^r Bell's own. — Mecom's begins at N^o 104 — and continues to N^o 309, the last 10 Numbers are another's Parcel. — The Sale is finished, but the Auctioneer has not settled the Account yet, — By Act of Assembly, there is a Duty on Goods sold at Auction here, and I was the Auctioneer's Security for that Duty, which is first to be settled: — As soon as we can get it done, I will take the Balance and immediately purchase a Bill for it, and send it you, with the particular Account of Sales &c. which you will probably have by the next Packet if I am alive: — I have thought I have done the best by such Auction, but if it should be thought otherways by the Parties concerned, I shall be very sorry, My Reasons I give you in my Letter p Capt. Munds.

My Health is much as it was, — I can walk about; but so emaciated and torn by the Gout, that all the Springs of Nature fail: — I think I am drawing nigh to the Grave with a good deal of Rapidity: God only knows how soon my Course will be finished: I am desirous to resign my Will to his. — All our best Respects await you and Mr. Foxcroft, whilst I am

Your most obliged Serv^t

JAMES PARKER

NYORK March 27. 1770

HON SIR, — My last to you was p Packet of the 20th Feb: — and Capt Munds being not yet sail'd, I have now to add. — This covers a Bill of £250, sterl. Ex^c 67½ so that it rises here; Wats & McEvers on Messrs Harley & Drummond, dated Feb. 28. 1770. — Of this Bill the Sum of £135 — this Money, is on Account of B. Mecom's Books sold at Auction, and £283 — 15 — the same Money, on the Post-Office Account, the Bill having cost £418:15 — As soon as the Account of the Auction, can be fully made out, I shall send you a particular Account of every Article: tho' I believe there will be little more net

Proceeds, when all the Charges are paid, &c. However, You will see, and if this be more than the net Proceeds, I will debit your Account for the Ballance ; and if less, will debit my own Account, and credit you for it. — This is all the Money I've yet got in.

Mr. Hughes last Week applied to me for the Electrical Machine you sent designed for him ; he says, his Brother John's eldest Son Hugh has spoke to him to get it, and will take it of you. — I have let him open it, and he promises in his Nephew's Stead to take it. — I have not got the Invoice or Account of the Cost ; having only taken down the Invoice of the Stationary that was sent designed for Hughes, and made myself Debtor for them only ; so that if I had the Original Account of the Electrical Machine, I know not what is become of it. — Mr. Hughes says, it will be paid according to the Charge, and your Order.

The first of three Sets of Bills to you, go by Capt. Munds, by whom this is designed : The second of the same Sets were by the Packet of the 20th Feb. — All which with these I wish safe to your Hands

I having nothing else material to write, begg Leave to add, respectful Compliments to M Foxcroft, and self, from

Your most obliged Serv^t

JAMES PARKER.

NEW YORK, April 23. 1770

HON : S^r, — Yours of Feb 10. by the Harriet Packet, I just received — She and the Lord Hide Packet came both in at Once. — My last to you was the 8th March, by Capt. Munds, who had lain here a long While ; Since that having received some Money from Boston and Bills being low here, only 65, I laid it out in a Bill for £150 sterl, drawn by Wats and M^cEvers, on Harley and Drummond, the first of which I now send you ; — Also another Bill I just received from Quebec, for £100 sterl. I. Drummond, on Nesbit, Drummond and Franks, Eqrs in London, the first of which I send you. — The 2^d of each I shall send p the Harriot — I also send the 2^d of a Bill for £250. sterl, the first of which was sent by Capt. Munds — I hope them all safe to your Hands — Of this last Bill for £250, Sterl. which cost 67½ £135 this Money is on Account of B. Mecom's Books sold at Auction the Remainder Post-Office Money — The Auctioneer was obliged to repair to Philadelphia before we had finally settled, and he promised to be here again shortly, otherways that Account should have been sent you, tho' there will be little more coming any Way. — Holt and I were beginning to make some Settlement, but we are in Trouble other ways, and I so poorly that little Progress has yet been made — I have Hopes we shall proceed, tho' I fear I shall get but little, — I think he does not get a-head any Thing ; and I less.

Agreeable to your Request, I wrote to Quebec, for the Papers that have your Examination in, and this is the first Opportunity I have had to send them since I received them. I hope them safe to your Hand, and that they will be agreeable — Is it consistent to have some Post-Horns sent us, — the Posts are out of them, — None to be got here.

I have now a melancholy Tale to tell: Lewis Jones, the young Man who was assigned to you from London, and by you assigned to me, having served out his Time with me, left me directly after. — He first got to work with the Robinsons: after that he got to M^r Gaine's, where he work'd something more than One Year, got a Wife among the poorer sort, — but never came near me after he first left me — perhaps from a Fraca I had with him a little before his Time was out, on this Occasion, — At the Time my Son went for England, there was a Company of Players here: — Gaine did all their Work, and printed their Tickets: — soon after my Son was gone, One of the Actors found a Number of Counterfeit Play Tickets, as they were done with the same Flowers as the true Ones, he applied to Gaine about them: — Lewis Jones had been that Night at the Play with one of those Tickets given him by one of Gaine's Hands: — they impeach'd Lewis, and Lewis said he had got them of my Son, who had been then 10 Days absent. — the injured Player then came to me, — but after canvassing the Matter with him, I demonstrated to him that the Counterfeits were done with the same Flowers and Types that the true Ones were done; and that they could not be possibly done in my House, as I had not the same Flowers, — tho' Gaine was so base, as to suppose they might be done at my House: — Altho' my Son was bad enough, yet I thought it unmanly Usage, and afterwards putting it close to Lewis, he clear'd Sammy, and own'd he had them of Gaine's Lad: — Lewis was soon after free, and he came no more near me: — About 3 Weeks ago, he was apprehended and taken up, for Uttering Counterfeit Jersey Bills: — What the Evidence is I know not, but tis said several Bills he has pass'd away is return'd on him, and I was told, that Saturday last, three Bills of Indictment were found against him on which he has been arraign'd, and this Afternoon I hear he is to have his Trial, when its generally thought he will be convicted, and I know of no Instance of that sort in this Colony ever being pardoned.

So far Monday P M.

Tuesday April 24.

Last Night Lewis Jones was tried on two of the Indictments: — about 9 o'Clock at Night, his Friends came to me, pleading for me to assist him, with a Character, &c. I had not been out of my Room for 8 Days, and I could scarce crawl, — I went, and the Court indulged him by Waiting till I came, — I related how he came to this Country,

and spoke all I could in his Favour, — and the Judge gave as Favourable a Charge as a Man could do, on which the Jury acquitted him, on those two Indictments; but there is still another to come on this Day, which I hear has a more unfavourable Aspect, — if he should be found guilty, I think he will certainly be hang'd: — I have done all I can, out of Regard for his Parents, who I know must pungently feel the Grief it must occasion to them: — If his Trial is over before this Letter is sealed I will acquaint you of his Fortune: as its probable none else will yet write his Friends about it — Printers ought to be doubly on their Guard with respect to counterfeit Bills, as the Probability of Truth is much against them. — as to Lewis, he never was any Advantage to me, — but as my son informed me, his Father was peculiarly kind to him in London, I should be ungrateful if I did not do my Possibles in Favour of his unhappy Son, — and wish my Ability was such as would enable me to do more — With this I must close at present, and am with Respects

Your most obliged Ser^v

JAMES PARKER.

P.S. Lewis is acquitted

NEWYORK Wednesday Night
April 25 — 1770

HON^d SIR, — Some hours after I had sent my Letter to the Office, to go with this Packet, — M^r Colden's young Man brought me the inclosed Bill of Ex^c for £50 Sterl, which he offered as he had just bought it @ 62½ — and it being 2½ p Cent cheaper than any to be got. I took it drawn this Day, Henry Thompson, on Messrs Pearson & Baillie of Liverpool — on which I instantly wrote this, as the Mail closes in an Hour.

Lewis was just now here, he came to thank me for the assistance I had given him, to help him escape &c. he intreated I would not write the News to his Father — he promises Amendment of Life, so I submit to you not to acquaint his Friends with it He may thank your Name for the Judge's favourable Opinion of him, from

Your most obliged Ser^v

JAMES PARKER.

NYORK, May 10. 1770

HON: SIR, — This only covers the 2^d of each of three Setts of Bills of Exchange, the first of which I sent p Lord Hide Packet, Capt. Goddard, the 23^d and 29th of last Month, not having any new Acquisitions or Receipts since: — One is for £150 Sterl. Wats & M^rEvers. on Harley and Drummond — Another for £100 Sterl from Quebec, Colin

Drummond on Nesbit, Drummond & Franks; and the other for £50 sterl. H. Thompson on Pearson & Bailie of Liverpool: — This last was sent me by M^r Colden just as the last Packet was going, and cost but 62½ — all upon the Post-Office Account. — I believe Bills might be had of private Drawers in general for 62½ — but good and publick ones are 65 yet: — Money indeed grows very scarce here. — The Duke Packet, Capt. Goodridge arrived here the 3^d Instant. I had not a word from you; I hope you are well. — Suppose she is to sail the Beginning of June — Its now eight Months since I have been able to walk well, and I dont know if I ever shall again be able, so that it was Time I quitted the Land-Waiter's Place, when I could scarce crawl; I wish I could get into some warmer Climate in my Old Age; but as 'tis not likely I can hold long, it is little Matter where I be — a few Days more it will be all over with me; I shall try to do my Duty while here, and leave the rest to Providence

In my last I acquainted you with Lewis Jones' Affair: He being happily got clear, came to thank me, and intreated me not to acquaint his Father — Indeed, I never wrote at all to his Father; — and in a Day or two after, finding it would not either be safe or beneficial to him to stay here; he solicited Help to go off: — I contributed as much as I could, towards getting him a Passage to So' Carolina, where he will get Employ, and if he behaves well, think he may retrieve some of his bad Fortune: — My Son told me M^r Jones had been kind to him in London, I think I have paid that Debt in part at least.

May 14 — P S. Having represented to M^r Colden, that as Bills were low now, I should be glad to take Advantage of it, to send all I could; for that if Importation took place again, it was thought they would infallibly rise; he this Day sent me £300 this Money, with which and some Money I had already, I immediately purchased a Bill of £200. sterl. which cost but 62½, being the lowest they have been known for many Years, drawn by Watts & M^cEvers, on Harley & Drummond, dated this Day, the first of which I inclose you, and the 2^d shall send the first Opportunity.

M^r Bell the Auctioneer not returned yet from Philadelphia. The Amount of the Whole of the Sales of B. Mecom's Books came to £175 — this Money, but the Commissions, Duty, Rent of a Room, &c. not yet settled, so cannot tell what more will be coming, if any

All our best Respects await you, and M^r Foxcroft, wishing you Health and Happiness, I am

Your most obliged Serv

JAMES PARKER

SAMUEL F. PARKER TO BENJAMIN FRANKLIN.

NEW YORK, July 7. 1770

HON. SIR, — I have just Time to let you know that my poor Father departed this Life on Monday the 2^d Instant; his Disorder was the nervous Fever, he died in Burlington I suppose Mr. Foxcroft has the immediate Care of the Affairs he left concerning the Post Office: — My Mother joins in best Regards, I am

Your obedient humbl^e Serv^tSAM^l F. PARKER.

MARY PARKER TO BENJAMIN FRANKLIN.

NEW YORK October 6th 1770

BENJAMIN FRANKLIN ESQ^{re}, — Since writing the foregoing My Daughter is returned from Philadelphia without the Comptrollers Books: Mr. Foxcroft intends to bring them himself; when he does shall answer yours as particularly as I can I received yours with a protested bill of M^r Vernon your Letter and bill I (by the next post) sent to M^r Foxcroft; who I suppose (and make no Doubt) will do what is needful therein, when my Daughter left Philadelphia M^{rs} Franklin and M^{rs} Bache were very well, So is the Governor and his Lady: he is now at Amboy to Meet the Assembly —

As soon as M^r Foxcroft returns my Books I shall Draw out and send you a general Acct of the Post-Office Affairs, also an Acct, of the Different Post Matters in as particular a Manner as I am able from the books; with your own account as it stands in Mr Parkers books.

Inclosed is a small Acc^t Due me, shall take it as a favour youl git some one to receive for me. After my best wishes and prayers for your health and Happiness, give me leave to Subscribe myself with Gratitude

Your Most faithful and Obliged

Humble Servant

MARY PARKER

JENNY BEDFORD TO BENJAMIN FRANKLIN.

WOODBIDGE, February 2 1773

HONOURED SIR, — At my Mamas perticular request, I take the liberty of writing to you, whom once I could address without ceremony, but the unhappy difference between our families, render that perhaps now more necessary, which would formerly have been looked upon as an act of Duty — You my Dear Sir — I was ever taught to look upon as the Friend, the Benefactor of one of the best of Parents and tho' he

is now no more, and his memory and Actions too soon forgot by some, yet that hand which so kindly assisted him and thought him worthy, when here of friendship, we hope will not forget his family now he is no more — When my Papa died he left Something pritty behind him enough to maintain Mama and for his children to enter into the World upon — His Estate was no way incumbr'd — but with those Bonds to Mr. Franklin, as now appears — but which my Mama have frequently heard him say before his Death, were almost discharged, that he had remitted [*torn*] to Mrs Franklin to near the amount of them — and perticularly the last time he went from home he told Mama he believed he had sufficient with him to Discharge them — However let that be as it will and owing to what cause it may on either side there are now heavy Sums appear due on those Bonds — We have seen Powers of Attorney in the hands of both Gov^r Franklin and Mr Bache to receive — and secure the Debt — as soon as, the Governors appeared we sent in our Account and were ready to settle — Gover Franklin then took time to send the Account over to you — When we called upon him again he said he had nothing to do with the matter that M^r Bache had come with a later Power of Attorney, and that we must settle with him — we [*torn*] furnished M^r Bache with the same accounts as we had the Governor who in answer said he could not settle till he had heard further from you — since that we have waited and called upon him, again and again — but he says no news from home — and all must be let over [*torn*] till then — Mama thinks it very hard — If interest runs upon the Bonds they have almost consumed the Estate — tho this is what we principally want to know — papa in his Books mentions it, that if Interest is charged upon his Bonds to M^r Franklin — he thinks it but reasonable he should have commissions upon the Business he did for him — now what business he did — or what commissions to charge — we know not as he kept no Account of it — and therefore we would wish to hear from yourself wether or not we must pay Interest upon the Bonds and if we do — wether it is reasonable we should from the time that [*torn*] we have been ready to settle them — it will make an odds in the Interest from that [*torn*] time upon so Great a sum there was Likeness [*next word and a whole line torn and undecipherable*] March 1770 to you by papa of which there is no mention made in the Account furnished Governor Franklin and M^r Bache, I think he mentions the money arising from Books sold by auc of which we should be glad to be informed of with the rest —

In M^r Coldens settling the Post Office Books there appears a Balance due to Mama of between 20 and 30 pounds — and M^r Foxcroft in a letter to her mention that in consequence of papas faithful discharge of his duty, when in office, she is to be allowed the sallary from the time of his Death to M^r Coldens takeing the Office — M^r Colden

likewise in a letter to mama mentions it and says that as M^r Franklin had spoke to him about it, and had informed mama of it, he has only [torn] charged his sallary from the third of October 1770, which was about a quarter after papas Death, he dying July 2^d 1770 — and had left the intervening Sallary to be received by the Board, and upon any orders from them he would immediately pay it to her — now Good sir — if you think proper mama should receive the quarters Sallary from papas Death to M^r Coldens taking the office and will make inter [torn] so far — as to have so much of it paid to you as will discharge [torn] his account against the Estate for the London Chronicle, the time papa began to take it October 10th 1768, to his Death July [torn] 1770 you will Greatly oblige my Mama — M^r Potts has cha [torn] his last Account to January 1773 — but he must Charge Instu [torn] for the money after papas Death, til then, as we never receive [torn] after — but Josln and Carr has, who took his office — ,

We should not have troubled or wrote to you, Good Sir was it not for mamas Great anxiety to have her affairs settled and her perticular desire that you should in some measure [torn] concerned in them, that she may know from yourself what she must depend on as to your accounts; as she finds m [torn] difficulty in settling them in her present situation. She is n [torn] advanced in years and afflicted — and would willingly live in peace and she thinks if those Bonds were discharged she could be happy as they are the only incumbrance in the Estate, but which th [torn] we fear will eat the most of it up — she sincerely joins with me in much love and Gratitude for your many favors as would M^r Bedford the person whom I am so happy in calling Husband — were he present — a Gentleman tho unknown to you yet I flatter myself, whose Good qualities would recomend to your favour — permit me therefore for him — with [] to wish you many happy years — and a safe return to your Family and Friends — From Honrd Sir

Your affection humble servant

JENNY BEDFORD

MEMORANDUM —

The 1st Bond from James Parker to B. Franklin is for £178 .. 18 : 0 *New York Currency*, dated Nov^r 15, 1763. —

On which is paid —	1766 Dec ^r 10 — £24 .. 19 : 0	} <i>Pensylv^a</i> <i>Money</i>
	1770 Apr ^l 18 — 20 : 0 : 0	

As appears by two Receipts *wrote* on the Back of the Bond and *signed* by Deborah Franklin —

The 2^d Bond is dated Augst 1, 1765, and is for £65 .. 12 .. 0 *Sterling*, and on the 25th of Jan^y 1766 was paid £41 : 5 .. 0, *Pensylv^a Money*, reckoned by J. P. equal to 25£ *Sterling*, as appears by a Receipt *wrote* by him, and sign'd by D. F. viz^z

"Philad^l Jan^y 25, 1766 — Received of James Parker Forty One Pounds Five Shillings Philadelphia Money, on Account of the within Bond, — Exchange being 165, is supposed to be equal to Twenty five Pounds Sterling.

Y^{rs} D. FRANKLIN"

There is likewise on the said Bond a Note or Mem^m in the Hand-writing of M^r Parker, as follows, viz^z

"This Bond is given on this Occasion —

The first of Feb^y 1765 B. F. paid a Debt for J. Parker to W^m Strahan in London of £163 .. 13 .. 0, Sterling. — On Advice thereof James Parker repaid to M^r Franklin in Philad^{le} 100 £ Sterl^g — and the Interest of the other 63 .. 13 .. 0. Sterl^g &c. being computed to the Day of the Date of this Bond, it is executed for the Payment thereof"

Query. Whether the Interest is rightly calculated, & whether the Interest of the 100 £ from Feb^y 1, 1765 to Aug^t 1. should not likewise have been added? —

Query. Whether the several Sums of Money charged as sent by J. P. to M^r F. for which there are no Receipts on the Bonds, and the Articles charged in his Account as bought for her at New York at sundry Times, should be credited on the Bonds, and reckoned as so much paid from Time to Time in Discharge thereof? Or whether they are only to be look'd upon as so many Articles of an unsettled Book Account to be ballanced by others in B. F.'s Account? —

J. P. has charged in his Account, the 2 Sums £24 : 19 : 0 and 20£ Pensylv^a Curr^y for which there is a Receipt on his Bond of £178 .. 18 : 0 N. York Currency; but he has not charged in his Account the Sum of £41 : 5 : 0 Pens^l Curr^y for which there is a Receipt on his Bond for £65 : 12 : 0 Sterling, dated Jan^y 25, 1766; Therefore

Query, Whether that Sum was made up (in the whole or in Part) by the several Articles he has charged in his Account preceeding that Time? or whether it was paid in Cash at the Time, but neglected to be charged in his Account?¹ —

The Rate of Interest is not mentioned in either Bond. J. P. stiles himself in both Bonds, J. P. of Woodbridge in E. New Jersey; but the first Bond I suppose, by the Witnesses Names, to have been executed at Philad^l and the second at New York. Interest in New Jersey & N. York is at 7 p^r Cent.

Query, Whither the first Article in J. P.'s Acc^t (Apr^l 1763) was not

¹ The Bill of Exchange for 55 £ Sterling which B. F. gives J. P. Credit for, is not charged in J. P.'s Account. Perhaps he kept a separate Account for his Sterling Debt to B. F. —

settled with B. F. before the Bond in Nov: 1763?—This Bond I apprehend was given for the Ballance due to B. F. on a Settlement at that Time

Mr. A. LAWRENCE LOWELL presented to the Cabinet from the widow of our late associate, Mr. Edward Bangs, several interesting relics.

Remarks were also made during the meeting by the PRESIDENT and Messrs. DANIEL H. CHAMBERLAIN, WILLIAM S. APPLETON, WILLIAM R. THAYER, and CHARLES R. CODMAN.

JUNE MEETING, 1902.

THE stated meeting was held on Thursday, the 12th instant, at three o'clock, P. M.; the President in the chair. The record of the May meeting was read and approved; and the Librarian, the Cabinet-Keeper, and the Corresponding Secretary made their monthly reports.

The PRESIDENT said: —

At the May meeting of the Society the roll of our Resident Membership numbered ninety-eight names. It now numbers ninety-seven. George Bigelow Chase, after a long and trying illness, died at his house in Dedham, Massachusetts, on Monday, 2d instant.

I presume my acquaintance with Mr. Chase, and our friendly relations, antedated considerably those of any other member of the Society. Having known him, more or less intimately, from infancy, we entered the Boston Latin School together, in July, 1848, and left it at the same time, in July, 1851. We again met in 1853, as candidates for admission to Harvard College, and graduated therefrom in the same class, that of 1856. Mr. Chase then devoted himself to business pursuits, while I turned my attention to the study of the law. Our friendly relations, never intimate, were, however, continued until five years later, when I drifted into the army. He remained in Boston, and, when I came back, in the autumn of 1866, I found Mr. Chase married, and living here. Afterwards our paths rarely converged, and, seeing but little of him during the remainder of his life, I saw that little only in a casual way.

The acquaintance thus extended over, perhaps, sixty years. Notwithstanding, I shall, in announcing his death, to-day confine myself to my usual course in such cases, presenting only the facts relating to his connection with this Society, and his work in it.

Mr. Chase, together with Dr. Everett and Senator Lodge among the living, and Fitch Edward Oliver among the dead, might be characterized as our centennial members, in view of the fact that they were the elect of the year 1876. To the few of us who have been of the Society more than twenty-five years, the national centennial does not seem remote; but, in looking over our records for 1876, the interval of time which has since elapsed, emphasized by the names which constantly therein recur, becomes more apparent. For instance, Mr. Winthrop and Mr. Evarts now seem to us men of a bygone generation. Yet Mr. Winthrop presided over our meeting when Mr. Chase was elected; and, at the same time, William M. Evarts, of New York, and John Richard Green, of London, were chosen, respectively, Honorary and Corresponding Members. Mr. Winthrop, Mr. Green, and Mr. Evarts are all gone; and, at the time of Mr. Chase's death, his name in order of seniority stood sixteenth on a roll of ninety-eight.

The first mention of Mr. Chase, in connection with our Society, is in the record of the May meeting of 1870, when, it appears, he, not then being connected with it, presented to us a manuscript copy of an oration delivered by Nathaniel Appleton Haven, Esq., of Portsmouth, New Hampshire, on the two hundredth anniversary of the settlement of that town, May 21, 1823. During the same year he also made other gifts to our Library. He was put upon the Committee to examine the Treasurer's Accounts in March, 1878, serving on the same Committee repeatedly thereafter, often as its chairman; and so it hardly need be said he always took a lively interest in the Society's financial conditions. He was elected a member of the Executive Committee of the Council in 1880; and in April, 1882, as chairman, presented its annual report. On several occasions Mr. Chase was a member of the annual Committee to nominate officers, and at times its chairman. In 1881 his name was added to the Committee on the Publication of Washington Letters; and in October, 1897, he was appointed one of a Committee of four to publish the Pepperrell Papers.

On a number of occasions Mr. Chase took part in the discussions at our meetings, more especially at the May meeting, 1880, when he communicated a diary by Lieutenant-Colonel Eld kept during our war of Independence. Also, in April,

1882, he made a very interesting statement in connection with a copy of the pamphlet report of Daniel Webster's libel suit, in 1828, against Theodore Lyman, Jr., subsequently Mayor of Boston, an outcome of the long controversy between J. Q. Adams and certain representatives of the old Federal party, which continued from 1807 to 1830. At the October meeting, 1884, he favored us with remarks in relation to General Samuel Parsons, a British spy, and also one of the officials of the court which condemned André. In December and January, 1891-92, he communicated certain details in relation to Copley's portrait of Paul Revere. His final contribution was on Gladstone and Joseph Chamberlain, in November, 1900.

At various times Mr. Chase paid tributes to his personal friends among our members, as their deaths occurred: to H. Austin Whitney, in October, 1889; to A. T. Perkins, in May, 1891; to Theodore Lyman, October, 1897; to Clement H. Hill, in January, 1899; and to Mellen Chamberlain, in October, 1900. Mr. Chase was, through his mother, a nephew of the late Chief Justice Bigelow, and, in May, 1878, was appointed to prepare a memoir of his relative. This he presented in 1890.

Between 1891 and 1896 Mr. Chase resided in Europe. During those years his active connection with the Society necessarily ceased; but that he had not lost his interest in it was evinced by a letter which appears in our Proceedings of April, 1894, containing notes of a conversation with two Englishmen he had met, relating to the Northeastern Boundary question.

Eminently a useful member of the Society even as it was, in the case of Mr. Chase the will was not lacking to have made him of yet greater use. Unfortunately, as I have already mentioned, he was absent from the country many years, and, after his return home, his health did not permit of close or active application.

The Treasurer, Mr. CHARLES C. SMITH, having been called on, said:—

More than one hundred and fifty of those who were Resident Members of this Society thirty-five years ago, when I was honored with an election into it, or who have since been

added to our number, have finished their labors here; but I have seldom risen to take part in the commemorative tributes which have so often anticipated other business. I cannot, however, allow the name of George B. Chase to be erased from the roll of living members without adding a word of remembrance to what you, Mr. President, have said. Mr. Chase was elected nearly ten years after I was made a member, but from that time our relations were more than ordinarily intimate. Ten times he was an auditor of the Treasurer's accounts, — a task, I need scarcely say, for which he was peculiarly fitted, and in which he took a special interest. Three or four times he served with not less fidelity on publishing committees; and only a few weeks before his death he wrote to me from his sick-chamber in regard to a biographical note which it was desired to insert in the forthcoming volume of Trumbull Papers. Five times he was a member of the Council. He was always constant in his attendance at the meetings of the Council and of the Society; and he frequently gave us offhand some bit of unfamiliar information about a matter which he personally remembered, or about which he had had exceptional opportunities for acquiring accurate knowledge. His most important contribution to our Proceedings was the memoir of his uncle, Chief Justice Bigelow, published in April, 1890. Besides this memoir he made numerous other valuable and interesting communications; and he would no doubt have enriched our pages to a greater extent if he had not been prevented from doing so by his protracted residence in Europe. In all the work of the Society and in its future prospects he was deeply interested. There has seldom, if ever, been a more genial and agreeable companion here, and no one who knew him well can help feeling that something of brightness and cheer has gone out of life, — that something of sympathy and kindly fellowship will henceforth be missing.

Of his services elsewhere, as an efficient Trustee of the Boston Public Library for nine years, as a member of the New England Historic-Genealogical Society for more than thirty years, and of the monographs which he occasionally printed, this is not the time nor the place to speak at length. Genealogical researches were always attractive to him, and in them he did not a little good work, of which it will remain for

his biographer to take account. Through all the vicissitudes of a business life he kept unchilled his fondness for antiquarian studies and his taste for the best literature. In this Society he will be long remembered, not only for what he did, but scarcely less for what he was as an associate and friend.

Hon. D. H. CHAMBERLAIN spoke substantially as follows:—

Mr. President,—I rise with great diffidence to say a single word on this occasion. My acquaintance with Mr. Chase was so brief and slight that I can lay no claim to such knowledge of him as would ordinarily warrant public estimate or characterization of him. My personal observation has, however, happened to be supplemented by the knowledge and opinions of others, so that I myself seemed to see in him much that my unaided observation and acquaintance might not have seen.

To me he seemed, first of all, a genial gentleman, full of the fruits of large experience with the world and of association with the best representatives of the social and literary culture of his time. I have called him genial. I mean by this only that his heart was warm towards those whom he deemed worthy of his regard. His manner was reserved, not to say cold. But his feeling was generous, sympathetic, appreciative, and free of all narrow prejudice, of all petty envy or jealousy. His experience had made him cautious in his intercourse and reserved in his utterances; but under the exterior of a cool, undemonstrative man, I always found a warm heart and a sympathetic mind.

Mr. Chase's own estimate of himself was characteristically modest, I think too modest. He loved to place all his praise and enthusiasm on others; and if they were his friends his measured estimate often became the glowing tribute of enthusiasm.

Mr. Chase was, however, critical, keenly so. He admired only good work, solid performance. For merely showy or brilliant qualities he had but little regard. He knew what was good work. He had done it himself. I recall the genuine satisfaction with which he once said to me that he had done one piece of work—his "Lowndes of South Carolina"—which would not need to be done again,—an opin-

ion shared, I think, by all who have had occasion to know that work.

His imperfect and failing health during all the time I knew him personally kept him from the active participation in our proceedings which he desired; but he was keenly observant of all that passed here. I have known no member whose interest was more constant or more intelligent. His welcome to me here was so cordial, his suggestions regarding our Society and the duties of its members were so disinterested, so wise, and so valuable that a large vacancy is left for me by his departure, and I have really wished by the few words I have spoken, to give to others my sense of his great personal worth, his high standards of life, and his generous interest in the things for which our Society stands.

Mr. GAMALIEL BRADFORD spoke extemporaneously, in substance as follows:—

In speaking of one phase of Historic Evolution in Massachusetts, I shall have to begin a long way off in space and a long way back in time.

When the Western Empire of Rome went down under the invasions from the north and east, Europe was covered with a mass of more or less barbarous tribes, fighting for existence, with every man's hand against every other's. In this ocean of misery the only ark of refuge was the Roman Catholic Church, and the only oases were the monasteries. The first step towards social organization was in the feudal system, when the great nobles, making war on each other and robbing and oppressing peaceful citizens, at least furnished some protection to their own followers and retainers. Relief from this still intolerable evil was sought in a combination of the peoples, chiefly those resident in cities, to aid one of the strongest fighters to put down all the others, and exercise their personal protection over a wider field. This took place over all Europe within two or three centuries: under the Tudors in England, Louis XI. to Richelieu and Louis XIV. in France, Ferdinand and Isabella in Spain, the Ivans in Russia, the Hapsburgs in Austria. In two countries circumstances of the greatest historical interest prevented this. In Germany and Italy that has been taking place, with modified results and

processes, in the nineteenth century, which was done elsewhere in Europe in the fifteenth and sixteenth into the seventeenth.

The next political development was in the establishment of representative bodies to hold in check the too powerful executive which had grown up, — an institution of which Greece and Rome knew practically nothing, and which has made the English government, as having been the field of its real evolution, perhaps the most valuable which the world has seen.

This so-called parliamentary government reached the highest point of success, thus far attained, in the middle of the nineteenth century, with the first parliamentary reform in England, the revolutions of 1830 in France and Belgium, that of 1848 extending its influence to Germany, Italy, and Austria, the wonderful development of prosperity in the United States, the expulsion of Spain from America; all these things had so excited men's minds that they thought the millennium had really come, and that all human ills were to be cured by the organized representation of universal suffrage.

The nineteenth century closed, however, upon a less hopeful state of mind. The political developments in the United States, the British war in South Africa, the Franco-Prussian war, the rage for colonial conquest, the crushing of Europe under the weight of military armaments, the growing international jealousies, the apparent impotence of legislatures, are causing many head shakings among serious writers in all countries, and grave doubts whether elective representation of universal suffrage is not doomed to failure, with the alternative of recurrence to military force, but without the benefits, such as they were, of a hereditary and trained aristocracy.

Probably it must be admitted that the depression of such thinkers is as much too great now as their exaltation was fifty years ago. But there can be no doubt that very serious questions are presenting themselves. And none is more important than this, whether the troubles that threaten us are chargeable to universal suffrage, that distinctly new product of the nineteenth century, or to the organization of government and its adaptation to this new and enormous force. This review of history shows that the improved conditions of modern life have been at least coeval with changes in methods of government, and at least encourage the hope that some of that scien-

tific study which has resulted in such vast material progress may be applied with advantage to the most important science of all, that of enabling men to live together in peace.

That which is only gradually coming to be understood is that the danger from legislatures is quite as great as that from executive power. There is a curious chain of evidence as to this. I will quote first from a work of M. Dupriez, a Brussels lawyer, entitled "*Les Ministres dans les principaux Pays d'Europe et d'Amérique*," Paris, 1892 : —

"The law-maker can enumerate in a text the rights of the great political powers, regulate their organization up to a certain point, determine the exterior form of their action ; he is powerless to control the exact position of authority which each shall possess. That is a question which can be decided only by the relative strength of the several powers. The constitutional usages alone establish a result of the struggle which inevitably arises between them."

It would be hardly possible to condense more perfectly in one paragraph the political history of the United States.

The next witness will be Mr. Walter Bagehot, one of the most acute exponents of the "English Constitution," though he seems to have comprehended very imperfectly that of the United States : —

"A legislative chamber is greedy and covetous ; it acquires as much, it concedes as little as possible. The passions of its members are its rulers ; the law-making faculty, the most comprehensive of the imperial faculties, is its instrument ; it will take the administration, if it can take it."

Note next how strikingly Madison in the Convention of 1787 had furnished the illustration of this remark three quarters of a century before : —

"Experience proves a tendency in our governments to throw all power into the legislative vortex. The executives of the States are little more than ciphers ; the legislatures are omnipotent. If no effectual check be devised on the encroachments of the latter, a revolution will be inevitable."

Again, in the "Federalist" Madison says with reference to the State constitutions : —

"The legislative department is everywhere extending the sphere of its activity and drawing all powers into its impetuous vortex. The

founders of our republics seem never to have recollected the danger from legislative usurpations, which by assembling all power in the same hands must lead to the same tyranny as is threatened by executive usurpations."

And he quotes from Jefferson's "Notes on Virginia" the following passage relative to the same defects in the Virginia constitution: —

"All the powers of the government — legislative, executive, and judicial — result to the same legislative body. The concentrating these in the same hands is precisely the definition of despotic government. It will be no alleviation that these powers will be exercised by a plurality of hands and not by a single one."

With reference to the President's veto, Judge Story remarks: —

"There is a natural tendency in the legislative department to intrude upon the rights and absorb the powers of the other departments of government. A mere parchment delineation of the boundaries of each is wholly insufficient for the protection of the weaker branch, as the executive unquestionably is, and hence there arises a constitutional necessity of arming it with powers for its own defence. If the executive did not possess this qualified negative, he would be gradually stripped of all his authority, and would become, what it is well known the governors of some States are, a mere pageant and shadow of magistracy."

If time would permit, it would be easy to show that the veto has failed, and must completely fail, to accomplish the purpose here set forth.

Thus far we have considered the theory of government by a legislature. It may be well to compare the teachings of practice in history. The first prominent case is that of the Long Parliament in England, probably as good a body of men as could be found in the country. The war against the crown came to an end in 1646. Seven years more sufficed to bring the king to the scaffold, and the country, through the anarchy and the impotence of parliament under the military despotism of Cromwell. More than a century later the French Revolution repeated the story. The legislature, grasping all power but impotent, beheaded the king, and within ten years handed over the country to the despotism of Napoleon. There is something very striking in the parallelism of the two histories.

The death of Cromwell, like the captivity of Napoleon, both

illustrating the fatal defect of despotism in providing no successor, brought back the old royal family. Charles X. succeeding Louis XVIII. corresponded in character as well as circumstances to James II. succeeding Charles. The revolution of July, like that of 1688, changed the succession by bringing in a collateral branch. But here the parallel ends. England, secured by the sea from foreign invasion and freed from the domination of an alien church, worked out the whole modern parliamentary system with executive responsibility, parliamentary reform, and the absence from her soil of anything worse than a riot for one hundred and sixty years. France has alternated between anarchy and despotism, and while the third Republic has demonstrated during thirty years not only the desire of the French people for peace, order, and good government, but their capacity for self-government, the supremacy of the legislature, in whose hands the president is only a cipher, which sets up and pulls down ministries at its pleasure and makes the finances, that keystone of all government, the sport of its faction and caprice, gives warning that the fatal constitutional disease has not yet been eradicated from her system.

We will now return to the history of Massachusetts, to which the foregoing sketch is pertinent, as showing how exactly the same principles operate under differing circumstances. The Constitution of this State, dating from 1780, is to me, in its transparent and unconscious simplicity, one of the most amusing historical documents in existence. From the date of the second charter in 1692, the colony was under governors appointed from England. The history of the next eighty years was of one long struggle for power between the governor and the Assembly. It was hardly surprising, therefore, that a constitutional convention, made up of the same material as the legislature, should have shown precisely the same jealousy towards a governor to be elected by the people, and have taken the greatest precaution to bind him hand and foot.

Their own common sense told them that, if they were to have a governor at all, he must be somebody at least in appearance, so they dressed him up and put a feather in his cap: —

“There shall be a supreme executive magistrate, who shall be styled — THE GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS; and whose title shall be — HIS EXCELLENCY.”

But to give him any real power was quite another question. The ball and chain must be attached at the outset:—

“There shall be a council for advising the governor in the executive part of the government, to consist of nine [eight] persons besides the Lieutenant-Governor, whom the governor, for the time being, shall have full power and authority from time to time at his discretion to assemble and call together; and the governor, with the said councilors, or five of them, at least, shall and may from time to time hold and keep a council for the ordering and directing the affairs of the commonwealth, according to the laws of the land.”

Note the plenitude of power given to the governor “from time to time to call the council together,” and that to the council, and not the governor, is given the power “of ordering and directing the affairs of the commonwealth,” whatever that extremely indefinite phrase may mean:—

“The governor, and in his absence, the lieutenant-governor, shall be president of the council, but shall have no vote in council.”

It seems almost like intentional sarcasm, that the supreme executive magistrate should not have a vote in this body of nine men, who, elected separately from him and from each other, have by a majority vote at least a negative upon anything he may propose.

What, in the next place, is the administrative power of the governor?

“The secretary, treasurer, and receiver-general, auditor, and attorney-general [that is to say, all the executive heads of departments] shall be chosen annually on the day in November prescribed for the choice of governor.”

Thus these officials, all separately elected, are completely independent of the governor and of each other, and no one can interfere, unless by way of advice, with any other or with his subordinates. They are merely clerks to carry out as well as they can the commands of the legislature. It means a paralysis of administration almost as complete as if in the human body the nerves were cut off close to the brain; that there is not an officer in the State, except, perhaps, his private secretary and his personal staff, to whom the governor can give an order with any power of enforcing obedience.

It is sadly true that the most imposing part of executive power is always the military side, and though since the Union it has in the States been chiefly a matter of form, its existence was none the less real.

The captains and subalterns of the militia are elected by the privates, the field officers by the captains and subalterns, the brigadiers by the field officers, "and such officers, so elected, shall be commissioned by the governor," to all appearance a pure piece of clerical work:—

"The major-generals shall be appointed by the Senate and House of Representatives, each having a negative upon the other, and be commissioned by the governor."

It seems a singular way of arriving at military efficiency.

The commanding officers of regiments shall appoint their adjutants and quartermasters, the brigadiers their brigade majors, and the major-generals their aids; and the governor shall appoint the adjutant-general.

Here, at last, is one man appointed by the governor, which is probably the reason why that officer takes such a prominent part in any military movements in the State.

If history teaches one lesson, it is that a military force which elects its own officers is of no real value for its ostensible purpose. The National Guard of France has during a century afforded a disastrous demonstration of the truth of this proposition. The State militias have hardly been put to any crucial test as yet, but the first battle of Bull Run threw a partial light on the question, especially as the same material, when placed under regular officers and subjected to systematic discipline, soon showed itself equal to any troops in the world.

It is interesting to read the functions imposed upon the governor, with this instrument of at least doubtful efficiency:—

"He shall have full power to train, instruct, exercise, and govern the militia and navy; and for the special defence and safety of the commonwealth to assemble in martial array, and put in warlike posture the inhabitants thereof, and to lead and conduct them, and with them to encounter, repel, resist, expel, and pursue by force of arms, as well by sea as by land, within or without the limits of this commonwealth, and also to kill, slay, and destroy,"

and so on for more than half a page. And all these powers are to be exercised

"agreeably to the rules and regulations of the constitution and the laws of the land [that is, with his hands tied] and not otherwise."

The actual and definite powers of the governor are two and two only : —

1. With advice of council, he shall have full power and authority during the session of the General Court to adjourn or prorogue the same to any time the two houses may desire ;

2. The power of pardoning offences . . . shall be in the governor, by and with the advice of the council, in which body, be it remembered, the governor has no vote.

So much for the administrative side. What is the governor's relation to legislation ? It may be said at once that he has no relation at all to it until the acts passed are presented to him in final shape for his acceptance or rejection. He can put into his messages any recommendations he pleases, but the legislature is not bound to, and seldom does, pay any attention to them. Now it seems plain enough that no government, any more than any business of any kind, can be carried on successfully by means of executive negatives. Suppose the case of a railway corporation, in which the general manager sat apart by himself, with no voice as to the conduct of its affairs, till the directors, acting by themselves, had devised plans for time-tables, running of trains, rates of freight and passage, maintenance of road bed and rolling-stock, and so on, and these were presented for his simple acceptance or rejection. It is often said, and with entire truth, that the government of a State should be conducted on business principles. In point of fact in this State it proceeds upon a glaring defiance of the most ordinary, fundamental and elementary principles of business.

Read, *per contra*, in Article IV., Part II., Chapter I., Section I. of the Constitution, the vast and practically unlimited power granted to the legislature ; remember that this was proposed by a constitutional convention, made up of the same material as the legislature and without the intervention of any executive authority ; and then, comparing what has been said of the tendency of all legislatures, judge of the results which were likely to follow.

Article XXX., and the last, of the Declaration of Rights runs thus : —

“In the government of this commonwealth the legislative department shall never exercise the executive and judicial power or either of them; the executive shall never exercise the legislative and judicial power or either of them; the judicial shall never exercise the legislative and executive power or either of them.”

It is curious that there is nowhere any definition of the limits thus peremptorily ordered to be observed. The functions of each branch are laid down in a general way, which is far from containing any exact division of them. It may be, and often is, said that this was not possible. But, then, what was the use of putting in the injunction? It was certain that there would be a conflict of powers, and certain, also, that the strongest of them would prevail; and these words merely recognize that certainty, with a mild deprecation of the conflict, itself thoroughly characteristic of the view which was taken of the new government coming into existence.

But the climax of the article is in the concluding clause, “to the end it may be a government of laws and not of men.”

Since the world began has anybody ever heard of, or can anybody imagine, a government of laws alone without the intervention of men? Of course, it is plain enough that what was meant is, that it should be a government under a system of law, and not by the arbitrary caprice of individuals; but the words themselves have been constantly used to justify the exclusive government of the legislature, because an impersonal body makes laws and puts them in operation, while to intrust any real power to the executive would be to introduce the forbidden government of men.

I might go on to point out the results of these precedents upon the actual condition of Massachusetts, the operation of the same principles in other States, and how far these have made their appearance in the momentous relation of the federal government to the States. That, however, would be to enter upon the field of politics, and within these sacred precincts only the muse of history has a ticket of admission.

I might, again, supposing that premises and conclusion have both been correctly established, consider by what means the consequences, which by the logic of history may be expected to follow, could be averted. But this, by its excursion into politics, would be only plunging still deeper into the abyss of criminal

transgression. I shall have to rest satisfied with the hope that I may have in some slight degree contributed to your entertainment on an idle summer afternoon.

Hon. WILLIAM W. CRAPO reminded the Society that three hundred years ago to-day Bartholomew Gosnold and his fellow voyagers were in the occupancy of the island of Cuttyhunk, which lies at the entrance of Buzzard's Bay. The little barque "Concord" hailing from Dartmouth, England, whose ship's company consisted of four officers, eight seamen, and twenty planters, or "gentlemen adventurers" as one account styles them, sailed from Falmouth, on the 26th day of March, 1602. After passing the Azores the first land sighted was Cape Cod. Cruising westward along the coast on the 24th of May (O. S.), the "Concord" dropped her anchor within a quarter of a mile of the shore of Cuttyhunk in eight fathoms of water. Here Gosnold and his companions remained several weeks, making explorations of the neighboring islands and the mainland.

From the narratives of Gilbert Archer, who was rated on the ship's papers as "gentleman and journalist," and from the report made by John Brereton to Sir Walter Raleigh, may be drawn the impressions of the voyagers. They were charmed with the glimpse they had obtained of the new world. They had discovered a land which they pronounced beautiful and fruitful and healthful. The body of water where the "Concord," rode at anchor was described as a stately sound. "It is the stateliest sound," says Archer, "I was ever in," an estimate which no one familiar with Buzzard's Bay will dispute. With evident pleasure they found the red and white strawberries which were "as sweet and much bigger than those in England"; there were many springs of excellent sweet water, great store of deer and other beasts and divers fowls in great plenty. In the words of Archer they feasted and grew fat upon the young sea fowl which they found in their nests upon the banks and low trees.

The adventurers were delighted with the climate, the beauty of the country, and the fertility of the soil. The native inhabitants are described as of tall stature, comely proportions, strong, active, and some of good years indicating a very healthful condition. Brereton says of them that they were exceed-

ingly courteous, gentle of disposition, and well conditioned, excelling all others that they had seen.

The wholesomeness of the climate was the subject of much favorable comment. The narrative says "their health and strength all the while they remained there so renewed and increased that not one of the Company felt the least inclination to any disease or sickness, but all were much fatter and in better health than when they went out of England."

The soil is described as fat and lusty. In mid-May, the account says, they did sow for trial in sundry places, wheat, barley, oats, and peas which in fourteen days were sprung up nine inches and more.

What evidently gave them greatest satisfaction was the sassafras in great plenty all the island over, — a tree, says the journalist, of high price and profit.

Gosnold on landing found on the island of Cuttyhunk a pond of fresh water, in circuit about two miles, on one side not thirty yards distant from the sea, "in the centre of which is a rocky islet, containing an acre of ground full of wood." On the little islet he immediately began a fort and place of abode. The location was admirable for purposes of defence and precaution against surprise. This structure was the first erected by Europeans on the New England coast. It was sufficient in size to harbor twenty persons at least with their necessary provisions.

The voyage evidently was undertaken as a commercial venture. Its purpose was discovery in the hope of commercial gain. It was the intention of Gosnold to remain with the major part of the voyagers, sending back the "Concord" under the command of Captain Gilbert, and a division of the provisions was made and a portion carried ashore. But a controversy arose. When not working on the fort, the men had been digging sassafras roots, and such was the quantity accumulated it was believed the division of profits from its sale would be large. Some who were to remain became suspicious that Captain Gilbert would not deal fairly by them in the accounting or would not bring back their share of the proceeds, and there was wrangling. The record says the "ill-disposed persons overthrew the stay there."

The "Concord," laden with sassafras roots and with cedar and skins and furs and other commodities gathered during their

stay, sailed from Cuttyhunk, June 18th (O. S.) with the entire ship's company, and reached Exmouth on the 23d of July.

On the 4th of the present June, which in modern chronology is the anniversary of Gosnold's landing on Cuttyhunk, a few gentlemen from New Bedford and Boston went to the island and placed a stone, suitably inscribed, on the spot where had been erected the fort and habitation three hundred years before. It is further proposed to commemorate this first attempt of an English settlement in New England by a monument or tower to be erected during this summer. A considerable portion of the funds required has been obtained. It is the wish of the persons engaged in this work that a deed conveying to the Massachusetts Historical Society the title to the little islet in the fresh-water pond on which the monument will stand may be accepted by the Society. This acceptance of title will not involve any charge or expense to the Society. If this shall be done, it will connect the earliest historical society of America with the first definite fact in New England history. Gosnold's stay at Cuttyhunk was brief, but it is recognized as the pioneer movement leading to the introduction of English civilization into the vast wilderness of this Western Continent. The event thus becomes one of highest historical significance.

Mr. Crapo further suggested, in the event that present plans are carried to success in the erection of the proposed monument and in commemorative tercentennial exercises, that representatives from this Society attend such exercises in behalf of the Society.

The PRESIDENT spoke briefly of the interest attaching to Gosnold's voyage, and Dr. SAMUEL A. GREEN gave an account of a visit which he made to Cuttyhunk many years ago.

Mr. MELVILLE M. BIGELOW read some portions of a paper on the constitutional questions between 1761 and 1776, which led up to the Declaration of American Independence.

Voted, That the stated meetings for July, August, and September be omitted, the President and Recording Secretary to have power to call a special meeting, if necessary.

Hon. D. H. Chamberlain was appointed to prepare the Memoir of the late George B. Chase for publication in the Proceedings.

Brief remarks were also made during the meeting by Messrs. HENRY F. JENKS and HENRY W. HAYNES.

A new serial, containing the record of the March, April, and May meetings, and a bound volume of the Proceedings from March, 1901, to February, 1902, both inclusive, were ready for delivery at this meeting.

OCTOBER MEETING, 1902.

THE stated meeting was held on Thursday, the 9th instant, at three o'clock, P. M.; the President in the chair. The record of the June meeting and the list of donors to the Library in the last four months were read, the Librarian calling particular attention to two quarto volumes of memoirs of eminent judges and lawyers of New England, with portraits, which had been given by their editor, Judge Leonard A. Jones, of the Land Registration Court.

Mr. Grenville H. Norcross, of Boston, and Mr. Edward H. Gilbert, of Ware, were elected Resident Members; and Mr. Reuben G. Thwaites, of Madison, Wisconsin, and Mr. John C. Schwab, of New Haven, Connecticut, were elected Corresponding Members.

It was unanimously voted to transfer the name of Henry C. Lea, of Philadelphia, from the list of Corresponding Members to that of Honorary Members, in recognition of his great eminence as an historical scholar and an historian.

A new volume of Collections — the Third Part of the Trumbull Papers — was on the table for delivery to members who had not already received it; and it was stated that another volume, containing selections from the Trumbull Papers from the beginning of 1780 down to the Treaty of Peace of 1783, would be ready before the close of the year.

THE PRESIDENT read the following paper: —

On the 12th of June, at the time of the last meeting of the Society, our roll of Resident Membership numbered ninety-seven names. It now numbers ninety-five. General Charles Greely Loring and the Hon. Horace Gray have both died during the intervening time. Elected at the January meeting of 1887, General Loring, at the time of his death, stood, as respects seniority, forty-first on the roll. Mr. Justice Gray was among the four senior members of the Society, having been elected at the April meeting of 1861, — the meeting held

two days before the fall of Fort Sumter, and that at which the death of Chief Justice Shaw was announced. It so chanced, therefore, that, in the immediate presence of great impending events, Horace Gray, yet to be the Chief Justice of the Commonwealth, was here chosen to the place made vacant by the death of Lemuel Shaw, who had been its Chief Justice. As a membership of thirty years' duration terminated, another destined to last one and forty years began.

Though neither General Loring, nor Judge Gray more recently, could be numbered among our active members, each most properly found a place in this Society. Both eminent among the citizens of Boston and the Commonwealth, they led, each in his way, an active and useful life. Each, also, left a permanent mark behind him.

In announcing the death of General Loring, I shall confine myself strictly to what is customary in such cases, mentioning merely the facts of his connection with the Society. Mr. Lothrop, in all respects better qualified so to do, will offer an appreciation of the man and of what he did. Though, at the time of his death, the name of Charles Greely Loring had been for fifteen years upon our roll, he was never, as I have said, a constant attendant at our meetings, or contributor to our Proceedings. Elected as the representative of a sister organization, — the Museum of Fine Arts, — he represented it here; and, in fact, the one occasion on which his services were availed of by us was in connection with a matter of art, — the genuineness of the so-called Sharpless portraits of Washington. He then concurred in judgment with the Committee to which that subject was referred, pronouncing the portraits untrustworthy. An occasional attendant here, he was a listener only.

It was, during the earlier period of his membership, otherwise in the case of Mr. Justice Gray. Prior to his elevation to the bench, in 1864, his name appears repeatedly in the volumes of our Proceedings. In April, 1863, he was elected a member of the Standing Committee, and re-elected in 1864 and in 1865; and in March, 1866, he was one of the committee to nominate the officers of the Society for the ensuing year. In 1865 he served upon a special committee appointed to communicate to the Governor a resolution expressive of the desire of the Society for the publication of the statutes of Massachusetts from 1691

to 1780; and previously, in January, 1864, he called attention to a very singular mistake made by the Hon. James Savage in the 1814 edition of "Ancient Charters and Laws." Subsequently he more than once, in my intercourse with him, referred to this incident with considerable humor, describing how Mr. Savage sat, an attentive listener, while he pointed out that, whereas in the volume in question, of which Mr. Savage had been the editor, it was stated that there were one hundred and ten records in existence of a certain nature, the original manuscript read that there were no records, — the letter "n" in the original having been written, after the fashion of the day, so as closely to resemble two units, the innocent "no" in this manner being transformed into a mysterious and inexplicable "110," and then spelled out in full. In 1874 he brought to a special meeting of our Society the original notebook of Chief Justice Cushing, and read the minutes of the case of the Commonwealth *v.* Nathaniel Jennison before the Supreme Court of Massachusetts, at its April term, 1783, — the case which established the principle that slavery was abolished by the Declaration of Rights in our Constitution of 1780. The mooted question of the authorship of this clause in the Constitution was discussed by him and by Charles Deane at this and at subsequent meetings.¹

Passing now to the more general subject, in the absence of Chief Justice Holmes, his successor both here and at Washington, and of our associate, Senator Hoar, — Gray's contemporary both at Harvard and in subsequent life, — no member of the Society, it has seemed to me, is better qualified by long, and perhaps I might say familiar, acquaintance, to speak appreciatively of Horace Gray than myself. I have known him for close upon fifty years, — since 1856, the date of my graduation. I was then a man of twenty-one; he, not yet thirty. I, a student of law; he, a member of the bar, and official reporter of the decisions of the Massachusetts Supreme Court. There was a bond of sympathy between us, for those were earnest days politically, and we were both filled with high expectation as members of the young Republican party, then just formed. Looking back upon it now, it was an impressive period, and, in facing it, it was my good fortune to

¹ Proceedings, First Series, vol. xiii. pp. 292-297. See also Proceedings, Second Series, vol. vii. pp. 77, 78.

be thrown among very interesting men. I read law under the auspices of the late Richard H. Dana. Closely associated in my mind with him are Francis E. Parker, Horace Gray, John Lowell, afterwards a judge of the Circuit Court, and Thornton K. Lothrop, the only survivor. All subsequently became members of this Society; and they constituted a very noticeable group. To me there was something at that time very attractive and sympathetic about Horace Gray. A certain brusqueness of manner and roughness of occasional speech which caused him then and later to be criticised by many, were not apparent to me. Very tall, but not yet heavy in frame, active of limb and quick in mind, — both mentally and physically alert, — there was a frankness, geniality and friendliness of manner about him, an apparent outspoken enjoyment of life and companionship, which appealed strongly. He had then already found his place, and the finding it made mere existence a pleasure to him. In the earlier years I had not known him. Entering college when only thirteen, he had graduated at sixteen, and at that time the bent of his activities was not pronounced. In the very last talk I had with him, on the gallery of his house overlooking the sea about Nahant, a few weeks only before his death, referring to that unformed period, he told me that, in all human probability, had Professor Agassiz come to this country two years earlier than he did, he (Gray) would have been a scientific man. At college his inclination had been to natural history; for, outgrowing his strength while a boy, — at the age of twelve he had attained the full height which always afterwards made him noticeable, — he was threatened with pulmonary troubles, and an open-air life, with gun and rod, was prescribed for him. So, for a time, he devoted himself to the study of birds and butterflies, while, almost to the close of his life, he was an eager angler. But, shortly after graduation, a change, most fortunate for him, was brought about through the business failure of his father, of the same name as himself. The senior Horace Gray was, like his son, a man of pronounced characteristics and exceptional ability; but he had the misfortune to be somewhat in advance of his time. Engaged in the development of the then infant iron industries of the country, he, before 1850, projected much which has been successfully carried out only within our own time; and so he shared the fate of many men of force and

foresight, who have the mishap of being born too soon,—before conditions are ripe for them. The father's bankruptcy changed the whole aspect of the son's future. He had to choose a profession as a means of support, and he turned to the law. In doing so, he did but follow what was for him the line of least resistance, instinctively or by chance recognizing his own aptitudes. By heredity, he was a lawyer; for, though, so far as I am aware, the Grays had been associated with business and shipping rather than with the law, Horace Gray, Jr.'s, mother was an Upham, and his paternal grandmother a Chipman, the former a name well known at the earlier Massachusetts bar, the latter conspicuous in the judicial annals of the Provinces. Admitted to the bar in 1851, three years later Gray had already so far attracted attention by his zeal and aptitude that he was appointed reporter of the court over which Chief Justice Shaw then presided. It was exactly the position for which he was adapted. He filled and magnified it. Delighting in his work, making himself most useful, and so acceptable, to those composing the court, he found himself in his element. It was then my acquaintance with him began. Subsequently I got to know him well, seeing much of him in an almost familiar way,—even to the end he called me always by my first name; but at length came the year 1861,—the deluge,—when I closed my office forever, finding my way into the army, and bidding farewell, as it proved, to an uncongenial calling. I well remember the time when, during that awful advance upon Richmond, in 1864, I heard Gray had been appointed a justice of the Supreme Court of Massachusetts. I sent my congratulations by letter to him from the headquarters of the Army of the Potomac, to which I was then attached; but I did not hear from him in reply. He was, as I subsequently found, the poorest of correspondents.

Of Horace Gray as a jurist, and occupant of the bench through nearly forty years, enough has been, and will be, said elsewhere. His death is yet to be announced, with due form, both before the Supreme Court of the United States, of which he died an associate justice, and before that of Massachusetts, of which, for nine years, he was Chief. I do not, therefore, propose to speak of him in that connection here. We knew him, not as a magistrate, but as an investigator of historical topics

from a legal point of view; and, as such, his work was very considerable. Nor was it lacking in quality. With a mind essentially legal, he had a natural turn for historical research. Of this he gave evidence, in a way somewhat exceptional, when, as reporter of the Supreme Court, he, in 1857, appended to the decision of Chief Justice Shaw, in the case of the Commonwealth *v.* City of Roxbury (9 Gray, 451) a most elaborate note, covering no less than twenty-five closely printed pages. In this note, amounting in itself to a treatise, and, of course, appended to the opinion with the concurrence and approval of the Chief Justice, the reporter of the court went into the entire history and learning of riparian rights and littoral ownership, evincing a familiarity with the early phases of municipal development in New England to which I have myself had occasion to refer in at least one paper printed in the Proceedings of this Society.¹ Again, at about the same time, he, working in co-operation with John Lowell, then the editor of the "Law Reporter," prepared a most elaborate review and criticism of the famous Dred Scott decision, — the decision which, I think it not unsafe to say, excited at the time more popular interest, and was more widely discussed, than any other ever rendered by a judicial tribunal. Indeed, in possible far-reaching consequences, the epoch-marking litigation of two hundred and twenty years before, known as *The King v. John Hampden*, can alone be compared with it; and, in 1637, the modern machinery of public discussion had not yet assumed shape. I have recently read again the analysis of Gray and Lowell of the points decided in the memorable litigation of 1854 to 1857, and of the opinions of the several justices.² It must be close upon forty-five years since I had last looked at it, and yet I found I remembered it well. At the time it appeared, the paper struck me as a very able discussion — at once learned and acute — of large and intricate questions; it has left the same impression on me now: and this, I submit, is not often the case with half-century reviews. Much as he afterwards wrote, I gravely question whether Gray ever did anything better than that "Law Reporter" article of 1857, prepared when he was not yet thirty. His discussion

¹ Genesis of the Massachusetts Town, Proceedings, Second Series, vol. vii. p. 202.

² Monthly Law Reporter (June, 1857), New Series, vol. x. pp. 61-118.

of the several opinions filed in that remarkable case will compare more than favorably with the best of those opinions. The paper indicated knowledge and power of a high order, and well matured. It was the work of no prentice hand.

But, in looking over this effort now, I have been struck with the tendency evinced throughout to the historical method. Every issue presented is at once, and instinctively, viewed from the historical standpoint. For instance, — discussing the right of a man of African blood to citizenship of the United States, and referring to the famous contentions of Chief Justice Taney, he begins as follows, — “Let us test the soundness of these several positions. After the Declaration of Independence, and before the adoption of the Constitution of the United States” etc., going back at once to original sources. Again, a few pages further on, referring to some point made by the Chief Justice, he says, “In order to understand this question, it will be necessary to give a brief historical sketch of the manner in which the United States have acquired and held those extensive domains which have always been known as the Territories of the United States.” He then launches into an exhaustive discussion. Just before this paper was published, I personally had occasion to notice the alertness with which Gray seized at once any historical proposition which presented itself. I chanced one day casually to mention to him the fact that my father had noticed, in the course of other investigations, that, of the three seamen taken from the frigate “Chesapeake” by the British ship-of-war “Leopard,” in 1807, two were negroes; but they were referred to in official documents and diplomatic correspondence as “citizens of the United States.” His article was already in type, but Gray seized upon the point with avidity, and, at once hunting up the volumes of documents, the incident appeared in an appendix to the pamphlet edition of the review published two months later.

Forty-three years afterwards, it was my fortune again to call his attention to another historical incident, — a mere curiosity of literature, though very germane to a case which chanced then to be engaging his attention; but his opinion was already filed, and in print. The case was that of the Habana (175 U. S. 677), involving the issue whether fishing-boats engaged in their calling were subject to belligerent capture, and forfeiture as prize of war. I recalled to his memory a conversa-

tion between Rufus Choate and Richard H. Dana, which took place in the sick-room of the former in 1854, in the course of which Choate gave some reminiscences of the war of 1812, among others describing how, as a boy, looking seaward from the Essex hills, he had watched the frigate "Shannon" cruising before Ipswich, — "lounging about the bay of a warm summer afternoon, and standing off to sea at night, proudly scorning the fleet of fishing-boats about her."¹ Gray eagerly looked up the reference, and expressed his extreme vexation that his attention had been called to it too late for use in his opinion. It was that kind of historical, not strictly legal, precedent for which he had a natural liking.

In the long record of opinions embedded by Gray in the Reports both of the Supreme Court of Massachusetts and that of the United States, many could be referred to containing together a vast amount of genuine historical matter, distinct from legal lore. The case of *Jackson v. Phillips*, in the 14th of Allen, is an example in point. He there went exhaustively into the law of charities, tracing it back to its sources in the reign of Elizabeth, and pouring out a vast amount of historical knowledge, the fruit of elaborate research. In that case it may not unfairly be said he rescued a whole branch of the law from the chaotic condition in which it had previously been, and established it on the basis upon which it now firmly rests. Again, in the case of *Briggs v. Light Boats* he discussed, largely on historical grounds, the liability of the United States to be sued; a matter which he afterwards took up again, and upon which he read a most elaborate dissenting opinion in *The United States v. Lee*. Many other instances might be referred to, in which he enriched our books with the fruits of this same tendency to historical research. I will, however, only call attention to the notes relating to "Slavery in Massachusetts" which he incorporated in the purely historical volume known as Quincy's Reports; and the elaborate Appendix to that volume, covering nearly 150 pages, in which he exhausted the learning on the famous James Otis writs of assistance case. Prepared before he had yet been elevated to the bench, this performance was purely a labor of love, — a payment by him, in account, on that debt which every man owes to his profession.

¹ Richard Henry Dana : A Biography, vol. i. p. 259.

I have spoken of the series of our reports of adjudicated cases, and Mr. Justice Gray's contributions to them. Few persons, I think, whose attention has not been called directly to the subject, have any idea of the amount of printed matter which emanates from a justice of one of our courts of last appeal in the course of a prolonged service on the bench; more especially when the mind of such a magistrate has an instinctive leaning to research. In the case of our associate, I have been led to look through the volumes which contain his opinions. I will not enter into particulars; but while those opinions are to be found in forty-two volumes of the Reports of the Massachusetts Supreme Court, they are also omnipresent in no less than eighty-two volumes of the Reports of the Supreme Court of the United States. Here are one hundred and twenty-four solid octavos, to all of which he was a prominent contributor. In round numbers, I find in these reports eighteen hundred opinions of Mr. Justice Gray, averaging some three pages each, running from a few lines only to thirty pages, and aggregating, as nearly as I have been able to estimate, about six thousand pages of solid printed matter. In comparison with such a Brobdingnagian outpouring, Sheridan's "voluminous" page of Gibbon becomes fairly Lilliputian. According to the best computation in my power to make, our late associate's judicial opinions aggregate about twice the printed matter of the "Decline and Fall."

As is not infrequently the case with eminent magistrates, it so came about with Horace Gray. A lay reputation and a professional reputation are two distinct things; and a judge who may be regarded in one way at a school of law, may be wholly otherwise esteemed in an historical society. He is there chiefly known from his connection with cases which may, perhaps, best be described as being of a historico-political character. As Marshall's reputation in a body like ours is inseparably associated with *Marbury v. Madison*; as the name of Taney is, as unjustly as unhappily for him, tied in perpetuity to the case of *Dred Scott*; as that of Salmon P. Chase, who succeeded Taney, is associated with *Hepburn v. Griswold*; so the memory of Horace Gray will, I fancy, be more closely identified with the case of *Juilliard v. Greenman*,¹ commonly

¹ 110 U. S. 421-470.

known as the Legal Tender Case, than with any other issue on which it was his fate to pass; and, as I have just said, those issues were hundreds in number. Most unfortunately, also, as I apprehend, in *Juilliard v. Greenman*, he failed to follow that tendency of his to historical investigation and conclusions so noticeable in the cases I have instanced. On the contrary, his avoidance of this line of reasoning and process of investigation was conspicuous. Yet never, in his whole career, was there a case presented to him which to a greater extent invited historical inquiry, and never one the decision of which depended less upon precedent, and more upon the results of that inquiry.

This, perhaps, is not the place, nor, assuredly, is the present the time, to enter upon the discussion of this long-debated issue, which had, at once, its legal, its constitutional, its moral and economical, and its historical aspect; and yet in one respect it had for us here a peculiar interest. George Bancroft's name was borne upon our rolls for considerably over half a century. It had been upon them over fifty years when the decision in *Juilliard v. Greenman* was made public. He at once entered the lists, historically challenging the conclusions therein reached. In the field of American historical research, George Bancroft was a much higher authority than Horace Gray; and now, at eighty-five, devoting to the task, to use his own somewhat pathetic words, "many of the few hours that may remain to me for labor," he marshalled, in a short publication,¹ an array of facts and utterances which, in any unprejudiced mind, demolished, from the historical point of view, the basis upon which our other associate rested his case. I doubt whether it would be easy to cite any instance in which the economist and historical investigator were more distinctly at variance with what may, perhaps not inaptly, be termed the technical interpreter of the fundamental law. As is sufficiently apparent from what I have already said, for our departed associate as a jurist, and within his peculiar province, I entertained a profound respect; but he had his limitations. He was not a follower of Adam Smith; nor, while an acute and careful investigator, was he a disciple of Gibbon. For myself, I do not believe that sound constitutional law can be

¹ A Plea for the Constitution of the U. S. of America wounded in the House of its Guardians, New York, 1886.

built up on a foundation of vicious political economy and history distinctly erroneous.

Whether a revision for good or for evil, there seems, to the lay mind at least, no great room for doubt that the name of Mr. Justice Gray will thus remain closely associated with one of the most significant and far-reaching changes ever worked by judicial construction in constitutional jurisprudence. When he went on the bench of the Supreme Court, the United States was held to be a government of "limited and enumerated powers" only, to the exercise of which the Executive and the Legislative both were strictly held by the Judiciary. When he died, and largely as the result of his influence as exercised and expressed in the case of *Juilliard v. Greenman*, this rule had practically ceased to obtain, and the national legislature was clothed with broad and undefined parliamentary powers, covering practically the entire field of sovereignty in all matters where the exercise of such powers was not expressly inhibited to it. Thereafter the legislative department became the sole judge of what laws were "necessary and proper" for the execution of the "limited and enumerated powers"; itself, in all cases of doubt, deciding on questions of emergency and degree. The burden of proof was thus apparently shifted, and Congress can exercise whatever sovereign powers are usual among civilized governments unless expressly forbidden so to do. Through judicial construction, anything, and well-nigh everything, was brought within the scope of a, presumably, wise "legislative discretion." This revolution, for such it amounts to, was, it is true, gradual, dating from some of the most famous of the decisions of Marshall. It had been greatly accelerated by the issues, events and discussions of the Civil War, and was plainly foreshadowed in the so-called Legal Tender Cases of 1870,¹ reversing the decision in *Hepburn v. Griswold*. But it was not practically enunciated by an almost unanimous Supreme Court² until our

¹ 12 Wallace, 529-570.

² In the case of *Hepburn v. Griswold*, decided at the December term, 1869, the court stood five to three against the constitutionality of the Legal Tender Act of 1862. In the Legal Tender Cases, decided one year later at the December term, 1870, this decision was reversed, the court standing five to four in favor of the constitutionality of the act. In *Juilliard v. Greenman*, decided at the October term, 1883, the court stood eight to one, confirming and extending the conclusions set forth in the decisions of 1870. In this last case the only dissen-

Associate filed its opinion in 1884. The decision then reached, unlike those which had preceded it by, respectively, sixteen and fourteen years, reflected what must be assumed to be the sober, second thought of the court. Those had been rendered at a time when the passions of a great conflict had not yet subsided, and the fresh memory of its extreme exigencies irresistibly tended to the development of all sorts of theretofore undreamed of "war powers" in the Constitution; this, a judicial finality, was calmly enunciated in a period of profound peace, when no pretence of an existing emergency could be advanced. The passage of nearly a score of years sufficed to clear men's minds; yet, to use the metaphor of Charles Sumner, the medicine of the Constitution was, under these conditions, pronounced its daily food. The last vestige of the old strict-construction, State's-rights school of jurists was thus swept by the board. Probably inevitable, perhaps this was best; in any event Mr. Justice Gray served as the mouthpiece of the court in finally promulgating the new dispensation. Moreover, it is of my personal knowledge that he himself felt no doubt as to the legal correctness of the position then taken under his guidance; and, to the last, he fully believed he was but moving on the path blazed out by Marshall, to the end which Marshall himself would have reached had he been confronted by the issues presented. Perhaps it was so; but, in any event, to leave the fundamental law other than he found it, and, in his own belief, both strengthened and broadened, is a large professional mark for any man to make. At least, it so seems to the unilluminated historical investigator.

To purely literary work, I do not think Horace Gray felt any call. I doubt if the artistic side, at least in literature, appealed strongly to him. He was critical and logical, and he was not imaginative. This is very apparent in his single occasional effort, so far as my knowledge goes of what he attempted in that way, — his address on Marshall, at Richmond, on the 4th of February, 1901. It is severely legal. Largely made up of references to authorities and quotations from them, the absence of all generalizations and essays at philosophical thought is as conspicuous as is the severity of style.

tient was Mr. Justice Field, representing the Pacific Coast circuit; while he and Mr. Justice Miller, of Iowa, alone remained of those who took part in the original decision of *Hepburn v. Griswold*.

This is not the place, nor am I the person, to undertake to assign to Judge Gray the grade that may rightfully be claimed as his in the long list of our eminent magistrates and jurists. Yet, if asked, I should say that, of all the judges I have ever personally known, or whom it has been my privilege to observe and in my own way make estimate of, I should place him third. First, would be Lemuel Shaw; second, Benjamin R. Curtis; Horace Gray would follow. This is much, for it is a great company to stand in. If I might venture upon a more detailed estimate, I should add that, in his intellectual make-up, while Gray had much logical power and an almost phenomenal memory, which not infrequently asserted a mastery over his generalizing faculty, — while he had a strong grasp on some principles, which at times he was disposed to carry beyond the limits of what is reasonable, — yet he lacked a certain philosophical cast of mind, which has been the distinguishing feature of all jurists of the very first rank, and also that massive practical common-sense which is so prominent a characteristic of great lawyers of another stamp.

Turning now to other characteristics of the individual, and the great factors in life, I should class Horace Gray as distinctly among the fortunate men I have known. He was contented; and, always busy, he liked his occupation. Over sixty years of age, having thoroughly enjoyed a single existence, his subsequent life was made distinctly happier and more satisfactory to him by marriage. After a man is fifty, and his habits have become fixed, matrimony, it is needless to say, is a dangerous venture. In the case of Gray it was wholly fortunate in its outcome. With a sufficiency of means, and no taste for immoderate expenditure, he was able to indulge in everything which essentially contributed to his enjoyment. Delighting in his profession, he magnified his office. Holding his official standard high, he thoroughly enjoyed his eminence; finally, that which is misery to many was a pleasure to him, and he actually liked to sit with his colleagues and listen to arguments. His mind was active, his sympathies wide. A man of strong prejudices, religious, political, literary and social, which often affected his bearing towards those with whom he came in contact, the moment he ascended the bench, he took in the significance of whatever was presented to him wholly unclouded by feeling. In a large way his ambition was grati-

fied. After being nearly twenty years upon the Supreme Bench of Massachusetts, ascending step by step from the position of junior Associate to that of Chief Justice, when the novelty of his position had worn away, and what might be called its monotonous drudgery would have commenced, it was his great good fortune to be transferred to Washington, and so into a wholly new legal, social and intellectual atmosphere. It was a change he keenly enjoyed. One thing only was needful to the full fruition of his wishes, — to have the measure filled, pressed down and overflowing. He would have liked to round out his forty years upon the bench, — to exceed all records in that respect. This, and this alone, was denied him. At the date of his resignation he lacked a little more than two years of the hoped-for period; though, so far as I know, the term during which he actually served exceeded that of any other among the occupants of the benches of our courts of last appeal.

I cannot close without bearing testimony to the courage and cheerful dignity with which our friend faced the inevitable when at last it came. Stricken down at Washington five months before he died, he at first, and for long, clung to the hope that he would sufficiently recover to resume the familiar duties he so much loved. He set great store on the recuperation sure to follow a return to his native air. Mentally his faculties were unimpaired. To the end he thought as clearly, and talked as distinctly, as when in perfect health. But, with his heavy frame, physical movement was difficult. The close was plainly near. He manfully recognized the fact; and, without repining, resigned his position. Subsequently I saw him but once; but that last meeting left on me only the pleasant memory of an August morning spent with an invalid in cheerful and reminiscent talk, on a gallery overlooking a sparkling sea from which came up a cool, strong summer atmosphere.

To sum it up, take Horace Gray's life for all in all, it was one of great usefulness and dignity; and, moreover, of much enjoyment. It stands a high example. Here we shall not miss him; for, during the now somewhat long period of my own membership of this Society, I remember to have seen him at but one of our meetings. Nevertheless, he was, as I have said, properly of our number; and with its disappearance a

name than which it could boast none more distinguished will have been stricken from its roll. Nor was he forgetful of this Society at the close. Two pictures belonging to him, which he greatly prized, were bequeathed to us, — both from the brush of his friend William M. Hunt; — one, a portrait of Chief Justice Shaw, who had preceded him as the head of the Supreme Court of Massachusetts, and whom he so much revered; the other that of John A. Andrew, the great war Governor of the Commonwealth, to whom he owed his first judicial appointment. Both find a fitting final resting-place here, and will long serve as a reminder of him to whom they belonged, and from whom they came.

Mr. SOLOMON LINCOLN read the following characterization of Judge Gray: —

I am to speak of Judge Gray as a lawyer and magistrate.

In the other great branch of the English-speaking race a considerable successful experience at the bar is thought to be an essential condition for promotion to the bench; and judicial positions are held to be the prizes of active practitioners of the profession.

In America, at least in the case of judges appointed by the executive power and not selected by popular election, it is very common to select judges for a presumed fitness for the position manifested and acquired in other ways than by experience in practice. If we are to judge by results it is not clear that one system has much advantage over the other.

Judge Gray furnishes an instance of a distinguished judge who yet had but a limited experience of actual practice.

He was admitted to the bar in 1851 at the age of twenty-three. Three years later, in 1854, he was appointed Reporter of our own Supreme Court. August 23, 1864, he was appointed a Justice of that court. In December, 1881, he was transferred to the Supreme Court of the United States, and he resigned his office as Justice of that court in 1902. Thus, of fifty-one years of professional life, thirty-eight were passed upon the bench; he was reporter for seven years, and he was in practice but six years, and these chiefly the earliest.

His career upon the bench, therefore, completely overshadows his experience as a practising lawyer. It is as a

judge that his fame was acquired, and in that light we must consider him.

Of course the mental aptitudes and inclinations which especially distinguished and fitted him for membership in this Society could not fail to prevail in any position which he might hold. Conspicuous among these traits were his historical bent and his remarkable memory.

His duties as reporter furnished a field for these faculties. He necessarily became familiar with the jurisprudence of Massachusetts as exhibited in the State Reports which preceded his own, and his intimate acquaintance with all cases heard while he was reporter supplied him not merely with a fresh knowledge of the law, but furnished him a familiarity with practice usually acquired by an active life at the bar.

He was thus able upon the bench to supply what is especially noticeable in English judges and much less conspicuous in our own, — a ready familiarity with decided cases, displayed not merely in the written opinion, but orally during the hearing of the cause.

So when in 1864 he was appointed by Governor Andrew to our highest court, he came to it well equipped for his duties.

He was possessed of high mental powers cultivated by the best education which our Commonwealth affords, of energy, of indefatigable industry, and of a marvellous memory and familiarity with the decisions not merely of our State court, but of those of our country and of England. He was master also of a lucid style, which in a large degree resulted from the clear views which he always held upon the propositions before him.

Thus equipped, he took his seat upon the bench at the early age of thirty-six, well prepared to do his full share of work as a member of the court; and no one can truthfully suggest that he ever failed to do that share. Especially as Chief Justice he exercised a close supervision over all the work of the court, and both in open court and, as we are informed, in the preparation of its published volumes, he exercised a scrutiny which stimulated a most desirable precision on the part of all officials within his reach.

Upon the whole I think it will be concluded that, as Chief Justice of our court, he secured a reputation which even his distinguished services at Washington did not surpass. This

is not the place for a discriminating criticism of his judicial opinions. Many of them are marvels of historical study, containing an absolutely exhaustive discussion of all cases bearing on the proposition before the court, and relieving his associates and successors of the need of traversing the same fields again. He was especially distinguished in the common law. The years during which he served upon the court were not creative years. He was not called upon to do the work which Marshall did upon the Supreme Bench of the United States, or Shaw upon our own. But his opinions displayed his qualities. They exhibit extraordinary research, complete learning, a scientific treatment of the law, breadth and foresight, propositions clearly apprehended and tersely expressed. They are closely confined to the question in dispute, deciding what the case requires and no more, and wandering into no unnecessary and hence dangerous dicta. It follows that his reasoning was rarely if ever overruled. For the moment I recall no instance.

So voluminous and complete are many of his opinions, and so great is their number, that they constitute a large share of the decisions of our court while he was upon the bench, and they do their full part in maintaining the high rank which our court has always held among those who practise our system of law.

It is not valuable to draw distinctions between his opinions delivered when Chief Justice of Massachusetts and those rendered in the court at Washington, if such exist. The latter necessarily deal with a somewhat different class of questions, but the same personal characteristics are manifest in all. It would no doubt be premature now to assign him definite rank among great judges, but that rank must unquestionably be high.

Regarding Judge Gray more strictly in his capacity of a magistrate presiding in court, it is superfluous to speak of his patience and his impartiality. These are always implied when we speak of a Massachusetts judge, but more than most judges he maintained the traditions of the court room.

Judge Gray was a gentleman by inheritance and by temperament. He had an old-fashioned respect for the dignity of the State and for constituted authority, and he was determined to maintain this dignity and authority by word and demeanor. He was especially strict in enforcing the propri-

eties of the court room, and if sometimes he called attention to matters which seemed trivial, this was but a manifestation of his watchful and commendable purpose to secure order and maintain unfailing respect for the majesty of the law. He was impatient of unsound legal propositions and of insincere argument, and was inclined to deal with such hastily; but beneath the severity of the judge lay a kind heart always anxious to repair any pain unnecessarily caused. And while scrupulous to enforce respect and decorum among members of the bar, he yet paid them unusual deference. He was loyal to the profession and jealous of its dignity. He was especially thoughtful and encouraging in his treatment of younger members of the profession.

His commanding form and personal presence well suited his high office. With him departs a large measure of that culture, ability, and weight of character which we have been accustomed to associate with the upright and venerable judge.

MR. THORNTON K. LOTHROP, having been called on, read a tribute to General Loring as follows:—

General Charles G. Loring, who died on the 18th of August at the age of seventy-four years, was emphatically a Bostonian, the descendant of an old Boston family; the son of an eminent Boston lawyer, he was born in Boston, educated in Boston, and passed substantially his whole life here. He graduated at Harvard in 1848, and on leaving college joined Professor Agassiz in a scientific trip, or one partly scientific, around the shores of Lake Superior, then a remote wilderness. Later he went to the Lawrence Scientific School, and was for a time employed in surveying for a railway in the State of New York.

In 1852-53, while travelling with his father in Europe, he was taken dangerously ill with trouble of the lungs and was ordered South. He at first went to Malaga, but afterwards (in the winter of 1853-54) joined a party of young men in a trip up the Nile to the second Cataract. It was on this visit that he first became interested in the antiquities, monuments and history of Egypt, which were his favorite study for the rest of his life. He began at this time the collection of an Egyptian library and of smaller objects of Egyptian art. On

his return to this country he read law for a while with his father, and acted as treasurer of a small manufacturing company.

When the Civil War broke out in 1861, he was eager to enter the army, and was commissioned captain in December of that year; was made an assistant inspector-general with the rank of lieutenant-colonel in July following, and was mustered out in August, 1865, after the close of the war. His services were always as a staff officer, and their value was recognized by various promotions for gallant and meritorious conduct; he was made brevet-colonel after the battles of the Wilderness, Spottsylvania, Bethesda Church, etc.; brevet brigadier-general in August, 1864, for his services in the campaign in eastern Tennessee and at the siege of Knoxville, and in July, 1865, a brevet major-general for his services during the war.

In the winter of 1868-69 he made a second trip up the Nile, again to the second Cataract, carrying with him a library of books on ancient and modern Egypt, and devoting his time to the study of the monuments and history of that country. He met the Egyptologists of that day and learned what he could from them. He studied the collections accessible there, and, after his return to Europe, those in the great continental museums as well as in England.

In 1870 a certain number of gentlemen were incorporated here as trustees of the Museum of Fine Arts. The purpose of their association was to make, maintain, and exhibit collections of works of art, and to afford instruction in the fine arts. The only material which they had at the outset was such collections as belonged to the Boston Athenæum, and for which that institution could no longer furnish a permanent home; the engravings which had been bequeathed to Harvard College by Mr. Francis C. Gray, and some other smaller collections. For the exhibition of all these temporary quarters were provided at the Athenæum. The first important gift received by the Museum after its incorporation was a collection of Egyptian antiquities originally made by an English gentleman during the years from 1828 to 1833, and especially valuable for the unquestioned authenticity of the objects of which it was composed. General Loring was undoubtedly the fittest, if not the only, person here at that time competent to arrange and classify this collection. At the request of the then curator he

undertook this work; he was warmly thanked by the trustees for his generous and valuable assistance, and in recognition of this service was in 1872 chosen a trustee, and in 1876 curator of the Museum; the next year the title of his office was changed to that of director; and from the time of his election as curator up to the first day of May of this year, when he resigned his office, a period of twenty-six years, he was the administrative head of the Museum. When he first entered upon his duties, the possessions of the Museum were easily contained in a single room; when he resigned, the present building, originally opened in 1876, and the addition built ten years later, were insufficient for the proper exhibition of its collections.

At the opening of the present building only six years after the Museum was incorporated, the collections were indeed scanty, — a few plaster casts, some marble, some porcelain and pottery, half a dozen pictures, etc. It was not difficult for one man to arrange, classify, and take personal oversight and supervision of all that the Museum had. The difficulty was to find ways and means to meet the annual expenditures. The change came gradually; at first there were exhibitions of loaned objects, but gradually gifts began to come in, — gifts of money for the purchase of works of art, gifts of works of art themselves, and deposits of works that may be considered permanent. The classes into which the present collections of the Museum are divided are greater than the number of objects owned by it when it was originally opened. The value of one of these collections may be best shown by quoting the substance of a note in the catalogue of the Museum at Kyoto, Japan: "This is the second best collection of Japanese lacquer in the world; the best is to be found in the Fine Arts Museum, Boston." In its collection of classical antiquities our Museum stands the fifth or sixth in the world; and in its pottery, porcelain, and textile fabrics its possessions are by no means to be despised. The increase of the collections was at first gradual, and it was not difficult for the director to arrange and classify the new gifts or purchases as they were received; but when the additions to the Museum increased more rapidly, both in number and variety, it soon became beyond the power of any one man, however well equipped, to do all this work by himself. Gen-

eral Loring was without special training or experience in museum work or any practical knowledge of the systems of classification or arrangement approved by the heads of the great museums of other countries; to-day the possession of such special knowledge, training, and experience would be considered of the first importance, if not absolutely essential for any man aspiring to be the head of a great museum; but twenty-five years ago such qualifications were not to be had, and were no more recognized as important factors in the choice of the director of a museum than the special training now required of a librarian was then considered a prerequisite for election to such a position. General Loring's interest, zeal, and devotion to his work were untiring. His labors for the Museum were unceasing, and he may be truly said to have worn his life out in its service. The disadvantages which have been alluded to made his work all the more harassing and burdensome; and his difficulties were also increased in other ways; he was not by nature a person of order, method, and system; he wished the Museum to be his own creation, and was (perhaps unconsciously) reluctant to give his assistants the scope and freedom in their several departments which would have materially relieved him and been of great advantage to their work. His love for his work, his untiring energy, and his loyalty and devotion to the task he had undertaken were unquestionable, and the criticisms that have just been suggested should not be allowed to detract from the work he accomplished, of which the Museum of to-day is the monument. As its first director he filled a great place in this community, and was largely instrumental in promoting the growth of knowledge and of interest in the fine arts which has been so marked a characteristic of the last quarter of the century just ended.

Mr. WILLIAM S. APPLETON said: —

A few words should appear on our records in notice of the death of Dr. Joseph J. Howard, who stood second in seniority on our roll of Corresponding Members. He was a prolific author and editor of volumes on the subjects of Genealogy and Heraldry. In recognition of the work which he accomplished in these studies, the Duke of Norfolk, as Earl Marshal, appointed him an official of the College of Arms, with the title

of Mowbray Herald Extraordinary. He was chosen a Corresponding Member of this Society in 1866, undoubtedly on the nomination of Mr. Whitmore, supported I feel sure by Mr. Winthrop, at that time President. I never met Dr. Howard, though I have at various times exchanged letters with him. He died on the 18th of April last.

Mr. EDWARD CHANNING spoke substantially as follows : —

Some time ago Dr. William Henry Schofield of Harvard University placed in my hands an interesting paper by Professor Sophus Bugge, of the Christiania University. It is entitled "Norges Indskrifter med de yngre Runer, Udgivne for Det norske Kildeskriftfond; Hoenen-Runerne fra Ringerike: Kristiania, 1902." The paper itself is in Norwegian, but Professor Bugge has appended a résumé which is here given at length.

RÉSUMÉ.

Peu de temps avant l'an 1817 on trouva dans la terre une pierre runique à la ferme de Hoenen près de l'église de Norderhov à Ringerike dans le midi de la Norvège. Cette pierre avait à peu près 126^{cm} de longueur, 21^{cm} en largeur et 10½^{cm} de grosseur. Elle avait une inscription en runes très indistinctes.

L'inscription fut reproduite en 1823 par un dessin de l'antiquaire L. D. Klüwer. L'original de ce dessin n'a pas pu être retrouvé, mais on en a une copie au musée de Bergen. Cette copie est reproduite en demi-grandeur dans cette dissertation, p. 2, et sur l'échelle de l'original, mais divisée en deux, p. 4-5. La pierre runique a disparu entre les années de 1825-1838, et malgré bien des recherches, on n'a pu la retrouver.

Il est évident que quelques-unes des runes de l'original sont rendues incorrectement par M. Klüwer. Dans la reproduction suivante des runes j'ai indiqué par une étoile les runes dont j'ai corrigé les caractères.

Au dessous des runes j'ai fait imprimer une transcription en lettres latines, dans laquelle les lettres dues à ma correction se trouvent mises en parenthèse.

Cette inscription est en vers et avec l'orthographe ordinaire de l'ancienne langue norvégienne elle doit être rendue comme voici :

Út ok vítt ok þurfa
þerru ok áts
Vínlandi á ísa
í úbygd at kómu;
auð má illt vega,
[at] dþyi ár.

Ce texte peut se traduire en prose latine à peu près comme voici :

“ In mare vastum late delati, Vinlandiam versus in glaciem regiones inhabitatas adjacentem umore fameque confecti egressi sunt; beatas res adversa fortuna auferre potest, ita ut homo immature moriatur.”

C'est une inscription à la mémoire d'un défunt, dont on doit avoir mentionné le nom au commencement de l'inscription. Ce commencement, qui n'a point paru de notre temps, a probablement été gravé sur une autre pierre disparue depuis longtemps.

Le défunt était un Norvégien de Ringerike, qui a subi de rudes souffrances pendant un voyage dans la mer glaciale du Nord et y a probablement péri. Dans les sagas de l'Islande le mot de l'inscription *úbyggð* “pays inhabité” se dit spécialement en parlant des contrées inhabitées du Groënland.

La pierre nous dit que dans ce voyage le Norvégien, en mémoire de qui le monument a été érigé, et ses compagnons de voyage, ont quitté le vaisseau, et, affamés et mouillés, ont mis pied sur la glace dans une contrée inhabitée “vers le Vinland,” c'est-à-dire à l'ouest près des côtes septentrionales de l'Amérique.

Comme M. G. Storm nous a fait voir, *Vinland* était l'ancien nom norvégien de la nouvelle Écosse de l'Amérique du Nord. Leif Eiriksson (Leif fils d'Eirik), d'origine islandaise et demeurant au Groënland, découvrit ce pays en l'an 1000 et lui donna le nom.

Cette inscription, trouvée à Ringerike, doit dater d'entre 1010 et 1050, à juger tant du contenu que de l'espèce de ces runes.

Nous apprenons, comme nous venons de le dire, par les sagas islandaises qu'une partie de l'Amérique du Nord fut découverte par des hommes parlant la langue norvégienne. Notre inscription nous présente donc le plus vieux témoignage de cette découverte. Elle est le plus ancien document connu en Europe, dans lequel il est fait mention de l'Amérique.

It will be noticed that the stone on which the inscription is has long since disappeared. The inscription is also stated to be very indistinct. It was copied in 1823, but the original copy has also been lost. There is, however, a reproduction of the original copy still in existence, and from this Professor Bugge has made his translation. Furthermore, it unfortunately appears from the paper that the characters standing for Vinland are partially obliterated. Considering these things, the precise value of Professor Bugge's work is by no means clear, but the paper will have an interest for all students of early American history.

Mr. WORTHINGTON C. FORD presented a photographic facsimile of the manuscript pages of the so-called "Abstract of the Laws of New England," printed in London in 1641, and spoke in substance as follows:—

Cotton's "Moses his Judicials."

Towards the end of last May I received a letter from London, asking what disposition should be made of certain negatives taken at the order of my brother, Paul Leicester Ford. One could not work with that investigator for nearly twenty years in the close intimacy of friendly rivalry, as I have done, without recognizing his wide interests, his eager pursuit of information, his thoroughness of treatment, and his buoyant enthusiasm in the face of difficulties. There are better antiquarians, better bibliographers, better historians, better essayists; but in the whole number of laborers now working in the original materials of American history, I do not know of one who unites so catholic a taste with so happy and fruitful a faculty of using his material, of one who has the like leisure and means to pursue his studies. We loosely speak of "lucky finds" and "fortunate discoveries"; but we are apt to overlook the years of training, the immense waste of time spent in fruitless searches, and the cost of developing the expert ability which can seize and interpret an isolated paper, connecting it with others so as to tell a consecutive story and provide that additional fact or supposition that will lead to further discoveries and more valuable interpretation. The best history is a piece of mosaic; fortunate is he who can add one tiny piece of stone to a picture already well developed, a stone that will modify the color of the whole or the relation of the parts. There is no such thing as luck or chance in such work.

Knowing my brother's remarkable capacity for tracing good material, I felt assured that the negatives were worth bringing to this country. Before I could examine them a paternal government, for some inscrutable reason, collected a duty upon them of forty-five per cent *ad valorem*, as a "manufacture of glass,"—a fact mentioned to place on record the encouragement our law-makers give to the investigator who would go outside of his own country for original and valuable records. They were described to me as photographs

of an imperfect manuscript preserved in the collection of the Duke of Bedford, at Woburn Abbey, manuscript No. 250, mentioned in one of the first reports of the Historical Manuscripts Commission. Its title was "An Abstract of the Laws of New-England," and I at once saw the line of conjecture my brother was following. The Abstract was printed in England in 1641, and, it has been supposed, from a manuscript of John Cotton, perhaps in some ways the leading minister in New England, for he permitted politics to sway his judgment in a manner that kept him well to the front for many years, and not always to his credit. Moral cowardice is not a desirable quality in one who aspires to be a spiritual leader. That the abstract was written by Cotton was acknowledged in the second edition, printed by William Aspinwall, in 1655. Hutchinson, too, saw a copy of these proposed laws in Cotton's writing, edited by John Winthrop; and he included this version among the printed Hutchinson papers, which have been reprinted by the Prince Society. Evidently my brother believed that he had found the Cotton manuscript. A glance convinced me, however, that there is not a stroke of Cotton's writing in these pages. Mr. Upham believes they were prepared by some scrivener, as the writing is of the formal type of that day. A set of these photographs I take pleasure in depositing in the collections of this Society.

While looking through some Cotton manuscripts in the State Archives, I found one which bore a pencil indorsement¹ as being in the handwriting of John Cotton, 1643, and having the title "How far Moses Judicials bind Mass." The somewhat striking title "Moses Judicials" recalled some similar title encountered in my readings, but it was some time before I could again locate it. Winthrop records, under date October 25, 1636:—

"Mr. Cotton being requested by the General Court, with some other ministers, to assist some of the magistrates in compiling a body of fundamental laws, did, this Court, present a copy of Moses his judicials, compiled in an exact method, which were taken into further consideration till the next General Court."²

¹ Dr. Green tells me the indorsement was made by Charles Deane. The paper bears a much older indorsement, made in the last century, "Opinions of the Elders, 1643."

² Winthrop, History, I. 240.

So far as has been known no copy of this code or body of laws has come down to us. Mr. Whitmore merely mentions the fact of their presentation, and I do not find any other mention of them in any history of the laws of Massachusetts Colony. Before giving the text of this Cotton manuscript I wish to consider the question of the body of laws known as "Moses Judicials." In doing this, I am obliged to repeat certain facts which are doubtless well known to you, but my excuse is that from a new study something novel may come.

Mr. Whitmore quotes a vote of the General Court taken 6 May, 1635, deputing the Governor [Haynes], the Deputy Governor [Bellingham], John Winthrop and Thomas Dudley, to prepare a "draught of such laws, as they shall judge useful for the well ordering of this Plantation, and to present the same to this Court." He also cites a passage from Winthrop's History in confirmation, where the reason of such a deputation is given. "The deputies having conceived great danger to our State in regard that our magistrates, for want of positive laws, in many cases, might proceed according to their discretions, it was agreed, that some men should be appointed to frame a body of grounds of laws, in resemblance to a Magna Charta, which being allowed by some of the ministers and the general court, should be received for fundamental laws."¹ It should be noted in passing that this commission was purely civil in its composition, no clergyman being upon it. The results of its labors were to be submitted to the ministers, and when accepted by some of them, would become law.

Mr. Whitmore, however, overlooked what is to me a very suggestive passage in Winthrop under date January 18, 1635-6, or eight months after the commission on laws was appointed. It is known that our ancestors did not live so wholly within the bounds of brother unity as to be free from serious differences, from petty quarrels, and from carping and back-biting of one another. The very earnestness of their conduct in these disputes is evidence of their narrow conviction of the perfect propriety of their carriage and language. Among other known differences was one between John Winthrop and Thomas Dudley. The origin of the coolness between the two men fortunately does not concern us. The existence of it is beyond question, and was so open that it had created factions

¹ History, I. 191.

among the people. With a desire to mend matters, some of the rulers felt called on to interfere. We may acquit them of a meddling spirit, for it is strange to us how near akin to family differences these early quarrels were, and each member of the community was interested in having a part in them. Accordingly Sir Henry Vane and the Rev. Hugh Peter (later a thorn in the flesh of the magistrate) called a meeting to consider the difference between Winthrop and Dudley, both of whom, it should be remembered, were members of this commission on the laws. The meeting comprised the other two members of the commission, the Governor and Deputy Governor, Mr. John Cotton, Mr. Thomas Hooker, and Mr. John Wilson — thus bringing in an ecclesiastical element absent from the body charged with preparing fundamental laws. Winthrop's account of the meeting deserves to be given in full, the more as the decision of the meeting was against his view: —

"After the Lord had been sought, Mr. Vane declared the occasion of this meeting, and the fruit aimed at, viz. a more firm and friendly uniting of minds, etc., especially of the said Mr. Dudley and Mr. Winthrop, as those upon whom the weight of the affairs did lie, etc., and therefore desired all present to take up a resolution to deal freely and openly with the parties, and they each with other, that nothing might be left in their breasts, which might break out to any jar or difference hereafter, (which they promised to do). Then Mr. Winthrop spake to this effect: that when it pleased Mr. Vane to acquaint him with what he had observed, of the dispositions of men's minds inclining to the said faction, etc., it was very strange to him, professing solemnly that he knew not of any breach between his brother Dudley and himself, since they were reconciled long since, neither did he suspect any alienation of affection in him or others from himself, save that of late he had observed, that some newcomers had estranged themselves from him, since they went to dwell at Newtown; and so desired all the company, that, if they had seen any thing amiss in his government or otherwise, they would deal freely and faithfully with him, and for his part he promised to take it in good part, and would endeavor, by God's grace, to amend it. Then Mr. Dudley spake to this effect: that for his part he came thither a mere patient, not with any intent to charge his brother Winthrop with any thing; for though there had been formerly some differences and breaches between them, yet they had been healed, and, for his part, he was not willing to renew them again; and so left it to others to utter their own complaints. Whereupon the Governor, Mr.

Haynes, spake to this effect : that Mr. Winthrop and himself had been always in good terms, etc. ; therefore he was loath to give any offence to him, and he hoped that, considering what the end of this meeting was, he would take it in good part, if he did deal openly and freely, as his manner ever was. Then he spake of one or two passages, wherein he conceived, that he dealt too remissly in point of justice ; to which Mr. Winthrop answered, that his speeches and carriage had been in part mistaken ; but withal professed, that it was his judgment, that in the infancy of plantation, justice should be administered with more lenity than in a settled state, because people were then more apt to transgress, partly of ignorance of new laws and orders, partly through oppression of business and other straits ; but, if it might be made more clear to him, that it was an error, he would be ready to take up a stricter course. Then the ministers were desired to consider of the question by the next morning, and to set down a rule in the case. The next morning, they delivered their several reasons, which all sorted to this conclusion, that strict discipline, both in criminal offences and in martial affairs, was more needful in plantations than in a settled state, as tending to the honor and safety of the gospel. Whereupon Mr. Winthrop acknowledged that he was convinced, that he had failed in overmuch lenity and remissness, and would endeavour (by God's assistance) to take a more strict course hereafter. Whereupon there was a renewal of love amongst them." ¹

The lesson was not wholly taken to heart, for we find Winthrop running his pen through some of the death penalties proposed by Cotton in his abstract of the Laws of New England.

This admonishing of Winthrop may have pointed to some difference among those chosen to prepare the new code of laws. Bellingham was not one to incline to the side of mercy or lenity, and what is known of Haynes and Dudley does not indicate men willing to modify their stern conception of what was due the magistrates from the governed. Israel Stoughton had only recently been disabled from bearing any public office in the Commonwealth, for the space of three years, for affirming the assistants were not magistrates. Opposition or criticism of the acts of the authorities was severely punished, and to lift a little the burden of the power of the magistrates was interpreted as a blow against their absolute supremacy — so essential in their opinion to the safety of the settlement. This little comedy of hectoring Winthrop may thus have had

¹ Winthrop, I. 177, 178.

its serious side, and shows a wish to reduce a member who had shown some signs of being recalcitrant to full submission. At all events in May following a new and larger committee was appointed, and a change was made in its composition.

At the General Court, May 25, 1636, it was ordered that "the Governor [Henry Vane], the Deputy Governor [John Winthrop], Thomas Dudley, John Haynes, Richard Bellingham, Esquires, Mr. Cotton, Mr. Peters and Mr. Shepherd are entreated to make a draught of laws agreeable to the word of God, which may be the Fundamentals of this Commonwealth, and to present the same to the next General Court."

The ministers were no longer to be consulted only after the laws had been prepared. Three clergymen were on the committee, and the new Governor also took his place upon it. It was in October following that Cotton submitted his "Moses his Judicials." Not until 1639 did the General Court receive the two codes, one prepared by Cotton, which was rejected; and the other by Nathaniel Ward, which was accepted, modified, and known as the Body of Liberties.

It seems to me, therefore, a legitimate conclusion that the manuscript of John Cotton should be placed earlier than the year 1643 assigned to it by the indorsement. It belongs somewhere between 1636, when the Judicials were framed, and 1641, when they were rejected.¹

The paper opens with the question whether the laws of Moses were given to the Jews and no other people, or whether all Christians as people of God should not establish the same laws and penalties. They raise the difference between temporary and perpetual features of these laws, and undertake to indicate what special features should be maintained and enforced, what applied only to the Jews, and what may have been superseded by the New Testament. Its general tenor is best indicated by Cotton's phrase that "the more any law smells of man the more unprofitable."

It must be admitted that only a few grains of wheat are found in this bushel of chaff. Like so much of the thinking and writing of that day, it impresses one as futile and unsub-

¹ Mr. Upham calls my attention to one piece of evidence against my view. He states that "the watermark of the paper is the same as, or quite similar to, the watermark of the original Colony record (of House of Deputies) for 1643, and seems to be the same as I have found on papers from 1644 to 1651."

stantial — until we suddenly find the ideas made active and applied in bloody persecution and repression of free thought, as in the cases of Mrs. Hutchinson, the alleged witches, and the Quakers, — chapters of Massachusetts history which at one time found apologists, but have been told in all their horror and wretchedness, and with merciless truth, by our associate Mr. Brooks Adams, in his "Emancipation of Massachusetts."

The Cotton manuscript "How far Moses Judicalls bind Massachusetts," is evidently a brief record of a discussion upon the Judicalls, and as such is the only minute bearing upon them that has come down to us. It throws little light upon the nature or contents of the proposed code, but is of high interest in itself as a contribution to the history of law in Massachusetts. In my opinion the Abstract¹ is nothing more than Moses's Judicalls, and dates from 1636 rather than from 1641. The contents of the Abstract are all assigned to the Mosaic books and in the sections covering crimes answer to the Mosaic law. I therefore venture the assertion that in the Abstract of the Laws of New England we have the text of "Moses his Judicalls," and this compilation should be regarded as the earliest body of laws framed in English America.

I was unable to decipher the writing of the Cotton manuscript, and in my need turned to the one man who is so entirely able as to leave no doubt as to the correctness of his reading. Mr. William P. Upham kindly made the transcription, and my cordial and grateful thanks are given to him for his disinterested labors.

HOW FAR MOSES JUDICALLS BIND MASS[ACHUSETTS].

Mr Phillips :

I take the questiō thus, whether we as Xtians or as people of god, are not bound to establish the Lawes & penalties set down in the script. as they were giuen to the Jewes & no other but they ;

Q. 2 th. open : [thence opening ?] : 1. w^t I meane by Lawes ?

A The Lawes giuen to Jewes in script. some were Temporary. & only bound them during the time of the old Testament, 2 the rest were p^rpet. [perpetual] & bind y^m for euer ; /

¹ The full title of the Abstract is An | Abstract | or the | Lawes | of | New-England, | As they are now established. | London, | Printed for F. Coules, and W. Ley at Paules Chain, | 1641.

The temporary Lawes are 1. all such as had any refer. to X^t & state of y^e gospel; as a shadow & rudiment: 2 any that had any special respect & p^tic: [particularly] appropriated to the land of Canaan, or to the Jewes y^r dwellinge. /

The p^pet [perpetual] Lawes are 1: the 10 Command. as delivrd on M: Sinay: 2 all such as haue grounds¹ ends or effects y^t are p^pet. [perpetual]. & of these Lawes some are mixt; y^t haue some branches or circumstances temporary & yet the Law p^petual; or w^e haue some branches & reasons p^pet. [perpetual]. & yet law temporary, & so far as [as in ?] these Lawes y^r is any th: [thing] morall or p^pet [perpetual], so far it binds; /

Q. 2. w^t ment by no other but these:

A: by this I meane not only those w^e are literally expressed; but also all such necessary consequences or diducts, y^t may be justly drawn from them.

Resp. all these p^pet. [perpetual] Lawes bind vs;

Reas: 1. bec: [because] god. who was yⁿ bound vp in couenant wth y^m to be y^r god; hath put vs in y^r stead & is become o^r god as well as y^r & h: [hence] we are as m^e [much] bound to there Lawes as well as [them^e] [themselves ?]: /

Reas. 2. if god hath giuen vs no other for the gouerning of the com:wealth yⁿ we either may be Lawlesse; & haue w^t Lawes we please or else be bound to these; but god hath giuen vs no other nor are we Lawles. for we are vnder the law to god & to X^t; /

Reas. 3. if otherwise; we can make no vse of those lawes & penalties but they are as antiquated then we are bound to observe them

Reas: 4: / If the Jewes be now still vnder the bond of them & so to observe them wⁿ [when] they are an established commō wealth; then we are bound to observe y^m; at: ergo: / bec.[ause] y^r is no other reuel: [revelation] that they shall be other Lawes;

Reas. 5. That w^e will be o^r wisdō in the sight of the nations Deut. 4: 6: / so as they shall say this is a wise people. that we are bound to submit to, at: [ergo.]

Re[as]: 6. Those Lawes w^e are most right[eous] & answ: [answer] the right[eousness] of god they are to be submitted to by vs: at: ergo. Deut: 4: 8: /

Reas. 7: / Those Lawes wthout obed: w^{to} [whereto] the [land] is polluted & subject to curses & plagues they are to be submitted to: / at: ergo: Leuit: 18: 20: chapters compd: //

Reas. 8. The magistrate being in gods stead & judging for god; cannot judge as god will haue them but accord. to his own Lawes; h. those must be established. but the magist. is in gods stead & god hath no other Lawes but these. 2 Chrō. 14: 4: etc.

¹ There is a cross-mark in the margin here.

Reas. 9 : if X^t hath giuen vs a new command. & this new is the old w^e was frō the beginning then Moses Judicialls bind ; but X^t hath giuen vs a new command : Love thy neighbour as thy selfe : /

Mr Cotton.

Naturall Judicialls bind all ; of morall equity

Q w^t are those Lawes peculiar to y^t state ;

3 :

1. Such as prepare for X^t, to come of y^m ; many judicialls are such. / as the marrying of a mans brothers wife nexte of kin ; as Ruth ; // so Jubile tho someth : of a mixt [n^t] [though something of a mixt nature ?] in Jubile ; 2 the forme of y^r couenant came frō hence as sometimes frō the state of the people w^e did vary all people are fit to judge ; sometimes God stirs up an eminent judge ; they see God y^r in his wisdō [vprit]nesse, wⁿ his child not so ; & at last it comes to a monarchy ; David was fit to rule y^m all ; & it was fit it should come in a monarchy bec : X^t king was to come of them, & this brought in an hereditary gouernment by successiō w^e else is not safe for any kingdom, or very seldō fit for any natiō ; bec. X^t was to come in by promise of Davids loynes :

2. Such as concerne them as they were a peculiar church & none besides them in the woorld & sequestered frō all people vnder heauen ; to be a holy people to god [wⁿ] they only [inherit] the couenant : // as : —

1 : if a man did marry a heathen not of the tribes of Israell vnles shee was a proselyte he was bound to put her away & her children ; // we cannot put away indians ; it may be s^d of Paul 1 Cor : 7 : [of] those who are married before Xtianity &c : but y^{ts} not mentioned : // bec : a holy people to God & would have a holy seed : / but now not ; but now sth [saith] Paul how dost thou know but thou maist [mayest] convert thy wife ; but in old Testament the L sth [Lord saith] shee will pervert thee & turne away thy hart.

2 : here falls some Lawes w^e did concerne that churches state ; as those who denyed the alienation of land frō a family ; bec : it was fit that members of church should have a vote in m^{rs} [matters] of church, no Lords to have all & do all & h. it was that Deut : 15. y^r was a release of debts every 7 yeares bec : no brother should grow poore & y^t wo'ld put at peace at Jubilee all should be restored ; / but now god tyes not hims : [himself] to on church ; he would haue the members of church haue y^r liberty ; for if on town should alienate y^r landes to gentlemen yet they may goe else w^t ; // tho not good for a church to put all in on hand ;

3 Such Judicials w^e maintain & fortify the Ceremoniall Law, confirm & illustrate the Ceremoniall Law; as: no garments of linsy woolsy no ox & asse unequally yok^d; // if they illustrate; for they might aske why might I not weare such a garment bec. god would not haue you to be a hypoc: they were babes then; // rounding the head was the Arabian fashion. this belongs to 2^d to. [topic?]

3-fold eating of blood; 1. Drinking blood let out of veins as Tartars; (Tartars take a knife let out blood of beasts & so drink it¹) for now [tis] the life of the [flesh?] bec: the vitall spirits are in it this was forbid by Noah: & this is morall bec: it will embrutish a man; // 2: a prohibitioⁿ of blood Leuit: 17: yow shall pour out the blood & couer it wth the dust this is not peculiar to vs: // but to the Jew; // bec: tis the redemption of yo^r soules; Leuit: 17: 10: 11: 12. 13. 14: w^e signif: coming of X^t: // neither wⁿ it has life wⁿ not pour it out. 3 prohibitioⁿ of blood in Acts: 15: they were prohibited to eat blood only in case of offence. Sth Tertul: shall we be carefull to eat blood of child who dare not eat blood; // & the church observ^d this so long as case of offence lasted: // & so the abstinence frō some creatures & difference in meat taught yⁿ not to haue communiō wth nations; Goe & eat; /

Reasons :

Q:

1: R: for gods souereign authority ouer mens goods & liues & lands. & we cannot dispose of them but as he will; we take them & giue them in his name; wⁿ he commands vs take y^m so wⁿ he commands vs leaue y^m we do it; // earth is the Lords & kings are the ministers of God. 2 Chron: 9: 8: blessed be the L y^t delight^d in the[e] to be king for the Lord thy god; so y^t a man is now king for God & must minister justice for god in his name & for his will: //

Obj.: but may not I do w^t I will & consent to giue away my estate; volentis non fit injuria:

A: No: I may do injure myself; as in Virginia a man in want of fowles he shall dy; on was hanged for killing his own hens;

Obj. I shall doe th:² accord. to generall rules those are the Lawes of Equity;

2 Reas: If the Law & woord be rule suffic: & giuen for this end to make the man of God perfectly righteous be it personall domesticall or politicall, &c.

Obj: y^r are generall rules.

A: w^t are the generall rules? if y^r be but only generall rules & y^r be not speciall means y^t lead to those speciall ends, we shall not be perfectly guided: & so God shew vs the means as well as the end; as

¹ These words were written in margin.

² by law of equity — cancelled.

giue every man his due y^r is the end & generall rule but w^t is my due ; that the woord sets down as sone to the Elder brother ; & if seuerall wayes to on end y^r is y^e liberty in script.

There is a diuerse forme of commō wealth ; 1 bec. we have example in script : 2 : bec : y^r are diversity of materials [for] gouernment : / sometime on is fit to be a monarch, let the government be as the materials be ; /

The more any Law smells of man the more unprofitable.

Arg : 3 : frō the peace of a mans consc : w^t eu^r is not of fayth is sin ; a judge must jus dice[re] ex fide ; &c :

Obj : I keepe generall rules of equity ;

A : this equity must consta[re] ex verbo dei, yⁿ good but if not y^v bind ex verbo :

Arg. 4. bec : the Judicials are not antiquated in the new [testament ?]

Obj. but not established.

A : if it was a part of the misery of gentiles to be aliens frō the commō wealth of Israel Eph. 2 : 12 : then tis a part of the hap : [happiness] of Xtian nations y^t they are subject to the Lawes of that commō wealth of Israel ; — & strangers frō the commō wealth of Israel is not church bec. y^t is strangers frō the promise ; / i : frō couenant of church & so frō ciuill couenant ; X^t is king of church & commō wealth ; so far as it varies frō the commō wealth of Israel so frō king of the church ; so far frō the Lawes of church king of commō wealth ; X^t is head of all principalities & powers for the church ; & he will subordinate all kingdoms on day to the church ;

Obj : tis misery not to be borne in such a church ; bec : all could not liue y^r ; in that nation ; // h. [hence] y^t is not the meaning ;

Arg : 5. Is. 33 : 22 : the Lord is o^r judge & Law giuer & king, spoken of the Jewes at last conuersion : now X^t will either giue them that body of Lawes they had rec : & teach them how to vse // or a new body, but not the latter, Reuel. 22 : 19. noth. [nothing] shall be added ; /

M^r Sims : /

1 : Those Judicials are not foretold nor mentioned in new [testament ?] to be antiquated,

2. bec. else the church of the old testament are superior to the new ;

3 : bec. judges must square y^r consciences.

Mr. CHARLES C. SMITH spoke in substance as follows :

Two or three months ago the President put into my hands, for presentation to the Society, a small parcel of original let-

ters which were given to his father by the late Dr. Alfred L. Elwyn, of Philadelphia. They comprise eight letters written from Boston in 1774 by Richard Lechmere, the well-known Loyalist, to his London correspondents, Lane, Son, & Fraser; a letter from John Bernard and William Gale, dated at Boston, June 30, 1785, to the same gentlemen, with regard to debts incurred before the war; a letter from Sylvester & Henry Dering, dated Shelter Island, July 1, 1786, to the same gentlemen, of similar purport; and a letter from John Bernard, dated Boston, December 13, 1786, to John Lane. They deal largely with business transactions of little or no historical interest, and some of which are quite obscure; but in the letters of Lechmere, who was a zealous politician, there are numerous passages which show very clearly the state of feeling in Boston at the time when they were written, and which seem to be worth printing in the Proceedings.

Under date of February 14, 1774, Lechmere writes:—

“The troubles and difficulties the town is thrown into by the Tea affair has lessen’d the value of real estates exceedingly, and has prevented the sale of old Royall’s house. Mr Elisha Hutchinson offer’d me seven hundred pounds sterling for it just as these troubles began, but his being oblig’d to abandon the town and, I believe, the country for ever put an end to our treaty, and since I have not had any offer made for it. When the spring opens I shall advertise it again, and use my best endeavours to turn it into money as soon as possible. You can form no idea of the miserable scituation the town is in, no body dare speak their sentiments for fear of being tarr’d and feather’d, or perhaps worse treated.”

Six weeks later, March 28, he writes:—

“I have advertiz’d old Royall’s house again,¹ but no body appears to purchase, owing, I imagine, to the shocking scituation the town is thrown into in consequence of the people’s destroying the East India Company’s tea, and that brought by Cap^t Gorham, and sundry other as extraordinary measures that they have pursued, and continue to pursue, and where they will end God knows. I think the gentlemen on

¹ It was advertised in “The Boston Evening-Post” of March 14, 1774, as “A handsome convenient Brick Dwelling House, scituate in Hanover Street, Boston, late the Estate of *Jacob Royall*, Esq; deceased, containing three Rooms upon a Floor, three upright Stories, the Cellar pav’d and ciel’d, a large Yard & Garden, an excellent Well of Water, Stable & Chaise House, with every Convenience suitable for a Gentleman. Any Person inclining to Purchase the Premises may apply to *Richard Lechmere*.”

your side the water will be cautious how you send your interest into a country where there is not the smallest degree of government. I do not think any debts here owing in Great Britain worth more than 10/ in the pound. I should be loath to purchase upon these terms, so that you cannot wonder that this house is not sold, and that I am not able to collect your monies faster than I do. If I had no real estate in the town I should soon quit it, but I have enter'd pretty largely into the distilling bussiness, and am of course under a necessity of remaining here, and I hope with your assistance, and my own industry, with that of my worthy partner, Mr Timmins, I may be enabled to gett a comfortable living, and this is the utmost of my expectations under the present circumstances of affairs."

As the day approaches when the Boston Port Bill is to take effect, he becomes still more discouraged. On May 30 he writes : —

"I very much approve of your declining to open any new accounts in this country, and I fear it will be a great while before you will be able to close those already open. The scituation of this town is truly deplorable, and its future prospects really distressing to every mind susceptible of the feelings of humanity. One day more puts a stop to all imports, and a few more (which are really days of grace) puts an end to all exports, and the employment of every mechanick, a total stagnation of every kind of bussiness ensues, and nine tenths of the inhabitants render'd wretchedly miserable, and to add to our misery I do not see the least disposition among our vile Sons to take any steps to relieve our distresses; but it is with pleasure I can say that the Friends of Governm^t have now dared to show themselves by addressing Gov^r Hutchinson in a suitable manner upon his leaving the Province, as you will see by the papers, and we promise ourselves under the protection of General Gage we shall be able to speak our minds freely, and open the eyes of a deluded people, who have hitherto been deceiv'd by a sett of designing villains and bankrupts who have supported themselves at the expense of almost ruining the town and Province. If it was not for the expectations of some regiments being quarter'd in the town, I believe most people of property wou'd quit it before next winter, for hunger will break through even stone walls, and the poor tradesmen must, unless some measures are taken to get the port opened before winter, be reduc'd to a necessity of calling upon their employers and others for bread to feed their famillys, as well as for cloathing and fuel. I declare I am griev'd at my heart for our approaching misery; at the same time I think we have taken infinite pains to bring it upon ourselves. There is not an individual but must be sensibly affected by it.

Among the rest I am no inconsiderable sufferer, having just gott our distill house at work,¹ and a prospect of doing our bussiness to advantage; we shall be oblig'd to put a stop to it 'till our publick affairs wear a better face, which I can but poorly afford, but willingly submitt to, in hopes that hereafter, when the people by suffering are brought to their senses, we shall enjoy a peaceable and regular government. I will not tire you with lamenting our unhappy condition, you will hear too much of it from your other friends. I will only add that you will unavoidably feel the effects of the harbour being shut up, as I apprehend no bussiness can be carried on in the town, and of course no money can be collected. I shall endeavour to improve Royall's house for a Collonell's messhouse, for I am certain it wou'd not sell for anything, and it may as well bring in something as lye empty. As M^r Elisha Hutchinson goes home with his father, you can treat with him about it, if he should *ever* be able to return in peace and quietness to his native country."

On the 1st of September he draws a still more gloomy picture:—

"I am really much concern'd for you gentlemen who have large sums of money due to you from this country; for the present there appears to be an entire stop put to our Courts of Justice. One of the Judges have been pull'd from his seat in the County of Berkshire, and the Court which meets at Worcester this day week is threatned with the same treatment. You can have no idea of the unhappy scituation of this country, and the danger the friends of government and good order are expos'd to from the licentious infatuation that has universally spread itself through this Province in particular, and generally throughout the continent. 1500 men, mostly under arms, attackd M^r Payne of Worcester, one of the new Council, and extorted a promise from him to resign his seat at the Board;² from him they went to Rutland to Coll^o Murray, but he being from home (at Boston) I dont find they did anything there.³ Brigd^r Ruggles has been hunted, and oblig'd to

¹ Lechmere owned an undivided half of land, a brick distill-house, and other buildings on Cambridge Street, at the corner of Belknap Street, besides land and a dwelling-house on the opposite side of Cambridge Street, at the corner of Stanford Street. His estates were sold by the State under the Confiscation Acts. See Mr. Hassam's paper on Confiscated Estates of Boston Loyalists, in 2 Proceedings, vol. x. pp. 180, 181.

² Hon. Timothy Paine was named a Mandamus Councillor, but he was compelled to resign, and did not take the oath of office. He died in Worcester July 17, 1793. See Sabine's *American Loyalists*, vol. ii. p. 143.

³ Col. John Murray was named a Mandamus Councillor, but did not take the oath of office. On the evacuation of Boston he went to Halifax with the British army, and died at or near St. John in 1794. See Sabine's *American Loyalists*, vol. ii. pp. 115, 116.

take asylum here also;¹ and several others have been oblig'd to do the same. Coll^o Leonard of Taunton had six balls and some shot fir'd into his house.² Sunday night was a week, there was a vast number surrounded his house, but by having a few hours notice he had time to come to town. They have compell'd several others to resign, and we fear this matter, together with their continually calling town meetings through the Province, without paying any regard to the Act of Parliament, will finally produce some fatal consequences. I am truly sorry that the Act is so very imperfect, it is very easily evaded in several parts of it, but one capital mistake, or rather neglect, they have not annexed any penalty for the breach of any part of it, so that upon the whole our Gov^r is exceedingly embarrass'd and knows not how to conduct in the matter, and withal, we have not half sufficient troops to carry into execution any great plan. Where these things will finally end God knows, but it is the fears of every good man that much blood will be spilt before the country will be reduc'd to a proper sense of subordination, and restor'd to its former state of good order. This is a sad alternative, but it appears to me nothing short of it will ever reduce my deluded countrymen to their senses. If government do not pursue what they have undertaken, they must give over all thoughts of any authority over the colonies, and leave them to do as they think proper for the time to come, but I will not tire you upon a subject that must give you pain, and that I suppose almost every one of your correspondents write you upon."

Before the end of the month he has apparently made up his mind that he may be obliged to seek a new home in England. He writes, September 28 : —

"Some time ago Cap^t Mitchel left with me about 4000 feet plank, board measure, which I sold to the contractor for building barracks, who sent a cart to the wharfe for them. They got one load into the street, and the populace pull'd them out of the cart, and left them in the street 'till towards evening when a party of soldiers were sent to take them up, which was done without any interruption, but in the night all the rest of the plank were split in peices, and thrown into the water and lost. This was the first instance of attempting to oppose the building the fortification at the Neck and barracks for the troops. They have since done every thing in their power to oppose and obstruct every measure

¹ Gen. Timothy Ruggles, of Hardwick, took the oath as a Mandamus Councillor, and on the evacuation of Boston went to Halifax. He died in Nova Scotia Aug. 4, 1795. See Paige's History of Hardwick, pp. 59-81; Sabine's American Loyalists, vol. ii. pp. 242-246.

² Daniel Leonard, of Taunton, author of "Massachusettensis," was appointed a Mandamus Councillor, but did not take office. He went to Halifax with the British army, and was afterward Chief Justice of the Bermudas. He died in London June 27, 1829. See Sabine's American Loyalists, vol. ii. pp. 10-12.

of governm^t for the safety, as well as convenience of the troops, and finally have prevented the tradesmen from working for them, so that the barracks that were begun now stand still. I have let them have my distill house, which was fitting for them, and in good forwardness for their reception, and will contain one regiment. By this step, selling the plank to them, accepting the office of a Councillor, my connection with the navy and army, together with my being an Addresser, Protestor against the Committee of Correspondence, and a variety of other incidents, has render'd me one of the most obnoxious of all the friends of government. This scituation, you must be sensible, is not the most desirable, especially to a person who very lately was, I may venture to say, as much esteem'd by the people as almost any private gentleman in town. I am, however, determin'd to pursue and do my duty, both in my publick and private capacity, without regarding the threats and menaces that are continually throwing out, and finally when these matters are terminated, if I find I cannot sit down quietly and enjoy uninterruptedly the liberty of acting and thinking for myself, without being subjected to insults and abuses, I must be oblig'd to take refuge in a country where a man is sure of protection and freedom; to this end therefore in the mean time, let me ask the favor of you, my friends, to be thinking for me against this evil day (which I fear will come) by laying some plan for me, whereby I may make an addition of three or four hundred pounds sterling a year, either by some office or bussiness in or near London, such an addition, with what income I have, wou'd most certainly determine me to quit this distracted country with all my family. Perhaps you will think I am not in earnest, and that this request is the effect either of fear or sudden resentment. It is neither, I do assure you, but 'tis the result of mature deliberation, for I am apprehensive, and indeed morally certain, however successfull government may be in their intended plans of operation, it is impossible that the friends of government can ever be restor'd to the good opinion and confidence of the people, nor do I think they will be in safety at any time hereafter, if the troops should be withdrawn. You can have no conception with what rancour and virulence they express themselves towards them, and nothing but fear has prevented their destroying every one of them long ago. They have gone so farr as to prohibit any person's supplying the government with materials for the King's service. They have burnt several loads straw at Roxbury, as they were coming in for the troops, and for a day stopp'd the butcher from bringing in beef and other provissions for them, but this last circumstance they soon found wou'd not do, for by this step they wou'd starve six or eight of their own party to one of the other, and that the General wou'd take possession of all the provissions and grain in the town. They really act like distracted men more than reasonable beings, and seem at

their wit's end, what will become of them when a sufficient number of troops can be got here. By some parts of their conduct one wou'd imagine they were endeavour^d to bring things to extremities before a reinforcement can arrive, but are afraid to make the first attack, and by every act of insolence and impudence they seem to be contriving to provoke the General and troops to commence hostilities, but they, with that calmness and prudence that does them honor, carefully avoid, and put up with many insults and abuses 'till they may be sure of success, both in the town and in the country. When the Scarborough man of warr arrives,¹ the Ministry will receive so different accounts of the conduct, temper, and disposition of the people of this country from that given by our humane and good Gov^r Hutchinson that I fear it will do him a great injury, and finally sink his reputation with the King and his Ministers; for it will be too fully prov'd, that the people of this country are not such quiet, peaceable and orderly beings as he has represented them, but merit the very reverse character. It wou'd really be very hard that he should suffer in his character, and the opinion of his master, from the real goodness of his heart and love of his native country, which I make no doubt induc'd him to make the most favourable representations and the best excuses he cou'd for their ungratefull conduct. I most sincerely wish he may be handsomely provided for, but 'tis impossible for him to entertain any thoughts of resuming this government. Thus, dear Sirs, I have from time to time been insensibly led into a subject that requires more time and more knowledge than I have, to claim your attention, but I cou'd not avoid expressing myself thus farr upon it, for I feel myself very deeply interested in it. The prospect is dismal, view it how you will, and the event, I fear, will be fatal to this wicked and deluded people, who promise themselves great things from the Congress now sitting at Philadelphia, whose measures, I hope, will be prudent and pacifick, but the reverse is fear'd, as most of them are lawyers and violent opposers to government."

I need only add to what the letters themselves tell, that when the British evacuated Boston, Lechmere went to Halifax, with his family of eleven persons, and afterward to England, where he died in 1814, at the age of eighty-seven.

Remarks were also made during the meeting by Messrs. WINSLOW WARREN, SAMUEL A. GREEN, HENRY W. HAYNES, the PRESIDENT, and other members.

¹ The Scarborough man-of-war arrived at Boston August 6, 1774, and sailed on her return to England September 4. Lechmere's letter of September 1 was sent by her.

NOVEMBER MEETING, 1902.

THE stated meeting was held on Thursday, the 13th instant, at three o'clock, P. M.; the President in the chair. The record of the October meeting was read and approved, and the Librarian, Cabinet-Keeper, and Corresponding Secretary made the customary reports for the preceding month. Among the gifts were, from Hon. William Everett, a copy of the privately printed genealogy of the "Descendants of Richard Everett of Dedham, Mass., by Edward Franklin Everett"; from Mr. Louis Curtis, an original letter, written in 1838, by Benjamin Poore, with reference to the Indian vane, now belonging to the Society, which stood on the old Province House; and from Mr. Worthington C. Ford, a photograph of an oil portrait by an unknown artist of Rev. Caleb Cushing (H. C. 1692), one of the early ministers of Salisbury, Massachusetts.

Mr. John C. Gray was appointed to write the memoir of the late Hon. Horace Gray, and Rev. Dr. Edward J. Young, the memoir of the late General Charles G. Loring, for publication in the Proceedings.

The PRESIDENT, after calling for communications from the Third Section, said he would now read the extracts from his grandfather's diary which had been postponed from previous meetings, and added:—

Rather more than a year ago I received from the Rev. Samuel C. Beane, D.D., of Newburyport, a note from which I extract the following: "Your grandfather was for a few years in his youth an interested and active member of the First Religious Society in Newburyport. One hundred and thirteen years ago he was in a great measure instrumental in obtaining the settlement of Rev. John Andrews, his young Old Colony friend, as minister here, where his family is still represented."

Dr. Beane then went on to invite me to take part in some proceedings on the 31st of October, 1901, in commemoration of the one hundred and seventy-fifth anniversary of the society of which he then was, as he still is, the pastor, and the one hundredth anniversary of the dedication of its present meeting-house. I wrote to him that, under the circumstances, I did not feel at liberty to decline. On the day in question, therefore, I went to Newburyport and took part, with the John Lowell Church and some of John Lowell's descendants, in what really proved to me a very interesting occasion.¹ Almost needless to say, I have, first and last, participated in quite a number of affairs of the same sort; and, as the result of so doing, have a realizing sense of the oratorical commonplaces, not to say platitudes, to which in such contingencies one is compelled to have recourse. So, in this case, I came to the conclusion it would certainly be more interesting, and probably quite as instructive, were I to improve the occasion by communicating to those gathered extracts from the diary John Quincy Adams kept during a portion of the period of his residence at Newburyport, — a student in the office of Theophilus Parsons, who, nineteen years later, succeeded Francis Dana as Chief Justice of the Supreme Court of Massachusetts. The diary in question is contained in two small octavo volumes, bound in calf, bought in Paris, and entitled "Ephemeris." As a record of daily life, this diary was kept with more or less detail, but is not continuous, covering the whole of one year (1787) and a portion of the year following. The first detailed entry relating to the Newburyport experience is of August 9, 1787; the last of October 14, 1788. Mr. Adams's health then broke down, as the result probably of too severe application; for, in almost every entry immediately preceding his illness, he complains bitterly of insomnia, lying awake at times whole nights, and at other times getting sleep only through the use of opiates.

Though I found in this record much which greatly interested me, no use whatever was made of it by my father in his publication entitled "Memoirs of J. Q. Adams"; for it

¹ A report of the speeches and proceedings on this occasion has since been published by order of the Society. In it are included about three printed pages of the following diary of J. Q. Adams. Celebration of the One Hundredth Anniversary of the Meeting House of the First Religious Society in Newburyport, October 31, 1901. Newburyport, 1902, pp. 61.

contains little of, so-called, historical value. It nevertheless gives a curious and graphic picture of social, every-day existence in a small Massachusetts seaport during the closing years of the eighteenth century. Its maturity of tone is perhaps its most noticeable feature; but, in reading it, it is well to bear constantly in mind that not only was the writer an exceptional character, but his experience had been so very unusual as to be even yet almost, if indeed not altogether, unique. Born and brought up as a boy in an eighteenth-century Massachusetts country town, in the midst of our revolutionary troubles, he accompanied his father to Europe, still lacking five months of his eleventh birthday when, one February morning, the two took boat from the beach at Braintree for the frigate "Boston" lying in the offing. Sent to school near Paris, he there became proficient in French. On this point we get an amusing as well as suggestive glimpse of him from the diary of John Adams, kept during the return from his first mission to France in 1779. At this time J. Q. Adams was not quite twelve years old. He had been in France some fourteen months, and was returning home with his father on the French frigate "Sensible," in company with La Luzerne, the commissioner from Louis XVI. to the Congress, and M. Marbois, the secretary of the commission. Writing when three days at sea, under date of Sunday, the 20th June, John Adams says: "The Chevalier de la Luzerne and M. Marbois are in raptures with my son. They get him to teach them the language. I found this morning the Ambassador seated on the cushion in our state-room, M. Marbois in his cot, at his left hand, and my son stretched out in his, at his right. The Ambassador reading out loud, in Blackstone's Discourse at his entrance on his Professorship of the Common Law at the University, and my son correcting the pronunciation of every word and syllable and letter. The Ambassador said he was astonished at my son's knowledge; that he was a master of his own language, like a professor. M. Marbois said, Your son teaches us more than you; he has *point de grâce, point d'eloges*. He shows us no mercy, and makes us no compliments. We must have Mr. John."

Getting safely back to America and the Braintree environment early in August, 1779, about three months later John Adams again embarked for Europe, and again on the

"Sensible"; this time accompanied by two of his sons, John Quincy and Charles, the latter only nine years old. They returned to France by way of Spain, and J. Q. Adams now remained six years in Europe; during which time, besides being at school and college, he associated in confidential capacities with men of distinction much older than himself, in Holland, Russia and France. He saw also a good deal of both Franklin and Jefferson, especially the latter, for whom he entertained a strong boyish admiration. At fourteen he was a student in the University of Leyden, of which institution he always afterwards spoke with deep affection. More than fifty years later, referring to this period, he wrote: "There is a character of romantic wildness about the memory of my travels in Europe from 1778 to 1785, which gives to it a tinge as if it was the recollection of something in another world. Life was new, everything was surprising, everything carried with it a deep interest. It is almost surprising to me now that I escaped from the fascination of Europe's attractions. . . . My return home from Auteuil, leaving my father when he was going upon his mission to England, decided the fate and fortunes of my after-life. It was my own choice, and the most judicious choice I ever made. My short discipline of fifteen months at Harvard University was the introduction to all the prosperity that has ever befallen me, and perhaps saved me from early ruin"; and afterwards (1840) when philosophizing in his diary, in extremely despondent mood, over his own life and the results thereof, he wrote again, it was to "Harvard College, Leyden University, seven years of youthful travel and the blessing of heaven" that he attributed whatever of useful it had been given to him to accomplish.

Graduating at Harvard, in 1787, the volumes of diary covering student life at Newburyport open immediately thereafter. I have placed them in the hands of Mr. Smith, purely as a record of the life of a young man of twenty, brought up in the Europe of Louis XVI., Catherine II., and George III., suddenly transferred to America, and planted in Newburyport, then a substantial seaport of some five thousand inhabitants, largely engaged in commerce. From these volumes Mr. Smith has incorporated in the Proceedings such extracts as to him have seemed of interest or value as bearing on the

social existence of that place and period. I will merely add that in the volumes, though the intimate life-record of a young man, there is nothing which the most sensitive of descendants would wish to suppress.

August 9th, 1787.¹

I breakfasted this morning with Mr. Andrews,² and after breakfast called upon Jack Forbes;³ in their company I passed my time away

¹ Two entries of an earlier date are of interest in connection with J. Q. Adams's life in Newburyport:—

Sunday, June 10, 1787: "... Dined at Mr. Dana's, in company with Mr. Parsons of Newbury-Port; a man of great wit, as well as of sound judgment and deep learning."

June 23, 1787: "Mr. Cranch and Dr. Tufts came from Boston this afternoon—the doctor informs me that Mr. Parsons has agreed to receive me; and consequently I expect to go in August or September to Newbury-Port."

Francis Dana was appointed a Justice of the Supreme Court of Massachusetts in 1785; Chief Justice in 1791. As Secretary of Legation, he had sailed from America with John Adams and his son in 1779; and when subsequently appointed to a mission at St. Petersburg, he took J. Q. Adams, a lad of fourteen, with him as his private secretary. See J. Q. Adams, *Memoirs*, vol. i. pp. 10, 12.

March 10, 1787, J. Q. Adams wrote in his diary: "Soon after prayers I heard with equal grief and surprise that Judge Dana was seized with an apoplectic and paraletic fit, on Thursday in the forenoon: that his life was for some time despaired of, and that he is still in a very dangerous situation. To me he has been a second father, and his instructions, though too much neglected at the time when he gave them, have since been more attended to; and have at least check'd some of my failings, and were calculated to reform them entirely. I have therefore reason to revere him in a peculiar manner: but a man of his talents and virtues, filling one of the most important offices in the State, is precious to the whole Commonwealth; and should his disease prove fatal, his loss will not be easily repaired."

"11th. ... in the evening I went down to Judge Dana's, but did not see him: the president [Willard] was there, stiff as ever. Mr. Dana had a second attack last night; but not so violent as the first: they have some hopes and many fears with respect to his recovery."

As respects Theophilus Parsons, compare the characterization by Daniel Webster in 1804, in F. Webster, *Private Correspondence of Daniel Webster*, vol. i. p. 183.

Dr. Cotton Tufts, an erudite and public-spirited physician of Weymouth, was at this time in his fifty-seventh year. He had married Lucy Quincy, sister of Mrs. Elizabeth Q. Smith, maternal aunt of Mrs. Abigail Adams. When absent as minister to England, John Adams left his business affairs in the care of Dr.

² John Andrews (H. C. 1786), a native of Hingham, then (1787) a student of Divinity at Cambridge; later pastor of the First Parish Church of Newburyport for over forty years; died August 17, 1845. See the histories of Newburyport.

³ John Murray Forbes, classmate of J. Q. Adams. See *infra*, p. 343 note.

till near eleven o'clock. I then mounted, and after stopping a few minutes at Medford,¹ I proceeded, and at about two, arrived at the tavern in Wilmington; where I found my two brothers² who were returning from Haverhill, both of them much pleased with their tour. Between four and five we parted, they went towards Cambridge and I came on to Haverhill, where I arrived, at about eight in the evening. . . .

11th. This forenoon, I took a ride with Mr. Shaw,³ to see my classmate Welch,⁴ who lives about four miles from hence. After I return'd, I called in, at Mr. Bartlett's,⁵ where I found Mr. and Mrs.

Tufts. Under date of June 2, 1786, he wrote to him: "A year will soon be about, and what are we to do then with John? What lawyer shall we desire to take him, in town or country? and what sum must be given with him? and what will his board and clothing cost? and where shall we get money to pay all these expenses? Shall I come home and take all my boys into my own office? I was once thought to have a tolerable knack at making lawyers, and now could save a large sum by it."

See John Adams, Works, vol. ix. pp. 548, 549, 556. See also Appleton, Cyclopædia of American Biography; J. Thacher, American Medical Biography, vol. ii. pp. 149-152; Letters of Mrs. Abigail Adams (1848), pp. 26, 51, 125; J. Q. Adams, Memoirs, vol. viii. p. 385; vol. xi. p. 378.

Richard Cranch, of Braintree, was the husband of the elder sister of Mrs. Abigail Adams. Born (1726) in Devon, England, he came to Massachusetts in 1746, was a Representative from Braintree to the State Legislature in 1779, received the honorary degree of Master of Arts from Harvard in 1780, and was now (1787) a judge of the Court of Common Pleas for Suffolk County; he died October 16, 1811. W. T. Davis, History of the Judiciary of Massachusetts, p. 216; Letters of Mrs. Abigail Adams (1848), pp. xxviii, 125; John Adams, Works; Fleet's Almanack for 1787; C. F. Adams, Three Episodes of Massachusetts History, p. 904.

¹ Dr. Tufts was born in Medford, and his relatives still lived there.

² Charles Adams (H. C. 1789), second son of John Adams, born 1770; subsequently a lawyer in New York City; died there in 1800. Thomas Boylston Adams (H. C. 1790), born 1772; married Ann Harrod, of Haverhill; Representative from Quincy to the State Legislature, 1805-1806; was chosen a member of Governor Gerry's Council in May, 1811; was Chief Justice of the Court of Common Pleas for the Southern Circuit, which included Norfolk, Plymouth, Bristol, and Barnstable counties, 1811-1819; died in 1832. Both were at this time students at Harvard, the one a Junior and the other a Sophomore; they had been visiting Mrs. Shaw, their maternal aunt, at Haverhill.

³ Rev. John Shaw (H. C. 1772), son of the Rev. John Shaw, of Bridgewater; ordained in 1777; settled at Haverhill, died in 1794. Mrs. Shaw was Miss Elizabeth Smith, sister of Mrs. Abigail Adams, — a cultured and charming woman. J. Q. Adams was prepared for Harvard College in the house of Mr. and Mrs. Shaw, and always regarded her with affectionate veneration, as "one of the earliest and kindest friends and guardians of my childhood." See N. E. Hist. and Gen. Reg., vol. xlviii. pp. 179-181; J. Q. Adams, Memoirs, vol. xii. p. 275; Hurd, Hist. of Essex County, p. 2005.

⁴ Francis Welch, born May 31, 1766, at Plaistow, N. H.; June 3, 1789, ordained pastor of the West Parish in Amesbury; died December 15, 1793. Hurd, Hist. of Essex County, p. 1516.

⁵ Probably Bailey Bartlett; see *infra*, p. 302 note.

Dalton,¹ with their two eldest daughters, and Miss Hazen. They all dined at Mr. White's,² and in the afternoon all returned to Mr. Dalton's seat at Newtown. The eldest daughter is very much as she was two years ago, blooming as a rose, and, they say, in a fair way to be married. The younger has grown since I last saw her, and appears to better advantage. Miss Hazen appears to have altered but very little since the time when I lived here with her: she is indeed now two years older, and must necessarily possess more prudence and steadiness; but her manners are still the same. I passed the evening with White³ and returned home just before nine.

12th. Mr. Tappan⁴ from Newbury preach'd here the whole day.

¹ Tristram Dalton, classmate of John Adams at Harvard, a wealthy and cultured merchant at Newburyport, active in political life. He had been a Representative and Senator in the State Legislature, and Speaker of the House; later, in 1789, he was the first United States Senator from Massachusetts. The younger Miss Dalton married Leonard White August 21, 1794. In addition to a fine town house (which is still standing on State Street in Newburyport, the headquarters of the Dalton Club) Tristram Dalton possessed this summer home in Newtown, now West Newbury. It was beautifully situated in the midst of some two hundred acres, about four miles from Newburyport, on the road to Haverhill, at the summit of Pipe Stave Hill, whence, a traveller of that day writes, eighteen church steeples were in view. See J. J. Currier, "Ould Newbury," pp. 339-346, 475-483. The view of the Merrimack from Pipe Stave Hill, a view of his town house, and a portrait of Tristram Dalton himself are reproduced there. See also E. F. Stone, Sketch of Tristram Dalton.

² John White, father of Leonard White (classmate of J. Q. Adams), was one of the wealthiest merchants in Haverhill, and dwelt in a "large three-story mansion" on Water Street, "one of the most imposing and costly dwellings in the region," with a terraced front yard with trellised fence and a deep garden in the rear with boxwood bordered walks. See Chase, Hist. of Haverhill, p. 451.

³ Leonard White, classmate of J. Q. Adams, was prepared for college by the Rev. John Shaw in company with J. Q. Adams and William Cranch. J. Q. Adams writes in his diary, June 8, 1787: "Leonard White of Haverhill was twenty the 3d of last month. I lived at Haverhill some time, and, as he chums with my cousin, I was acquainted with him before I came to the University, and have been very intimate with him since; his natural abilities, without being very great, are such as will enable him to go through life with honour, and his disposition is amiable. His virtues are numerous, but among them all modesty is the most conspicuous. I never knew any other person so intimately as I am acquainted with him, without having perceived in him some sparks of vanity; but I believe he never experienced the feeling. A remarkable neatness of person is likewise one of his characteristics, and is the more extraordinary because he has so few imitators here. He has so much candor that I never heard him speak ill of any one of his classmates, and very seldom of any one; his defects are only trivial foibles, and he will certainly be an useful member of society." Leonard White served on the Haverhill school committee and as town clerk and treasurer; was in the Legislature in 1809; a member of Congress, 1811-1813; cashier of the Merrimack Bank for a quarter of a century. He died in October, 1849, in his eighty-third year. See Hurd, Hist. of Essex County, pp. 2002, 2011, 2012.

⁴ Rev. David Tappan (H. C. 1771), born in Manchester April 21, 1752; a

Both his sermons were doctrinal, but very ingenious. This gentleman is much celebrated in this part of the country, for his abilities, both natural and acquired. I was much pleased with the little conversation I had with him in the course of the day; but his public speaking is far from being graceful. Elocution indeed has not till very lately been considered as claiming a right to much attention in the education of youth; and consequently there are but very few preachers who had finished their education before the last war that make any figure at all as speakers; and even those who are acknowledged to be men of great genius and learning are with respect to the delivery far inferior to many modern preachers who have not half their talents.

13th. I intended to have gone this day to Newbury-Port, but the weather was so excessively warm, that I determined this morning to omit going till to-morrow. I paid a visit to Judge Sargeant¹ in the forenoon and spent a couple of hours there; conversed upon political subjects. Saw Mr. Thaxter a few minutes. After dinner I went with Mr. and Mrs. Shaw to see my classmate Eaton;² but he was not at home. On our return we stop'd at Parson Adams's,³ but neither was he to be found, so that we then came home, and I passed the evening with my uncle.

14th. It was so warm again this day that I did not set out from Haverhill till between three and four in the afternoon. On the road I

classmate of Dr. John B. Swett, of Newburyport, at Harvard; settled over the Second Church in West Newbury April 18, 1774; appointed Hollis Professor of Divinity at Harvard in 1792; died August 27, 1803. See Coffin, *Hist. of Newbury*, pp. 371, etc.

¹ Nathaniel Peaslee Sargeant (H. C. 1750), a Justice of the Supreme Court of Massachusetts (1775-1790), its Chief Justice (1790-1791). See Hurd, *Hist. of Essex County*, p. 2003; J. Adams, *Works*, vol. ix. p. 390.

² Peter Eaton was born in the West Parish of Haverhill March 15, 1765; was a pupil at Phillips Andover Academy; studied for the ministry under his pastor, Dr. Phineas Adams; was settled over the church at Boxford for fifty-five years (1789-1845). March 24, 1787, J. Q. Adams wrote: "I have not the pleasure of an intimate acquaintance with him, but all those who have speak well of him. As a speaker he is distinguished, and as a scholar respectable; his public exercises have been in general equal if not superior to any in the class since I belonged to it; but he is very modest and diffident, so that he has not brought himself so much into notice as several others in the class, who without his abilities have a much greater share of confidence." See W. B. Sprague, *Annals of the American Pulpit*, vol. viii. pp. 222-226; Chase, *Hist. of Haverhill*, p. 630; Hurd, *Hist. of Essex County*, p. 2012.

³ Rev. Phineas Adams (H. C. 1762), a classmate of Judge Dana at Harvard, born in Rowley March 14, 1742; an acceptable pastor to the somewhat discordant West Parish of Haverhill from 1771 until his death in 1801. The parish had secured the dismissal of one pastor for heresy and made three unsuccessful attempts to fill the pulpit before Mr. Adams went there; after his death it remained for twenty-five years without a settled pastor. Chase, *Hist. of Haverhill*, pp. 567-570.

met at different times Mr. Tappan, Stedman, and Thompson,¹ and Tom Hooper. I arrived at Mr. Tufts's in Newbury-Port, just before sunset. I did not enter the town with the most favorable impressions. About three weeks hence I am to become an inhabitant of the place. Without friends or connections, I am to stand on my own ground, and am in all probability to live here three years; whether agreeably or not time only must discover; but the presages within my breast are not such as I should wish realized.

15th. In the forenoon I went to see Mr. Parsons,² and inform'd

¹ William Stedman (H. C. 1784) and Thomas W. Thompson (H. C. 1786) were students in the law office of Theophilus Parsons.

William Stedman, born in Cambridge, opened his law office in Lancaster; died in 1831. When J. Q. Adams was a member of the national Senate, William Stedman was in the House of Representatives (1803-1810), and lodged with J. Q. Adams's colleague, Timothy Pickering. It is probable that their relations were not then altogether cordial, as, a few weeks after his arrival, J. Q. Adams heard from his cousin, William Shaw, that William Stedman was the writer of a letter to the "Centinel" criticising very severely his attitude to the Louisiana question, etc., and ending with this summary of J. Q. Adams's course thus far,

"Quis talia fando
Temperet a lachrymis."

*See the "Centinel" for December 10, 1803; *Memoirs*, vol. i. p. 291.

Thomas W. Thompson, son of Deacon Thomas Thompson, of Newbury; born March 15, 1766; prepared for college at Dummer Academy; graduated from Harvard in 1786; was apparently the most popular man in his class ("The class are rather disappointed by the absence of their favorite Thomson, who is so unwell as prevented him from appearing this day," diary of J. Q. Adams, Commencement Day, July 19, 1786); served as aid to General Lincoln during Shays's Rebellion; now (1787) a law student in Mr. Parsons's office. He was a tutor at Harvard 1789-1791; resumed his law studies with Mr. Parsons; began the practice of law in Salisbury, N. H., in 1794; postmaster at Salisbury; solicitor of the county in 1802; a member of Congress in 1805; represented Salisbury in the General Court in 1807 and 1808; was chosen State treasurer in 1809; removed to Concord; represented Concord in the Legislature for four years from 1811, being Speaker of the House the last two years; was elected United States Senator for three years in 1814; and was again a member of the State Legislature. He was a trustee of Dartmouth College 1801-1821; he died October, 1821. Daniel Webster began his law studies in Mr. Thompson's office. See J. Q. Adams, *Memoirs*, vol. viii. p. 118; also F. Webster, *Private Correspondence of Daniel Webster*, vol. i. pp. 188-190, for a letter by Mr. Thompson written in 1804, the letter of a busy, active, kindly man; C. H. Bell, *Bench and Bar of New Hampshire*, pp. 688, 689; "Harvard College, 1786-1787," in H. Adams, *Historical Essays*, p. 112.

² Theophilus Parsons, later Chief Justice of the Supreme Court of Massachusetts, a son of the Rev. Moses Parsons, was born in the neighboring parish of Byfield (the old parsonage is still standing); educated at Dummer Academy and Harvard College (1769). Then (1787) a man of thirty-seven, with some thirteen years' experience at the bar, several young men of promise had gone forth from his office in the low house that still stands on State Street;—the most noteworthy, perhaps, was Rufus King, at this time (1787) a member of the Constitutional Convention at Philadelphia.

him that I should probably attend at his office in about three weeks. Stedman and Thomson are there now, but the former of these will leave the office by the latter end of next month. My classmate Putnam¹ has applied for admission, and intends, I am told, to enter the office in November. Two at once would be full sufficient, but if there are half a dozen it cannot be helped. I went, accompanied by Stedman, and paid a visit to Miss Jones, the young lady who was at Mr. Wigglesworth's² when Bridge³ and I boarded there last winter. She looks very unwell, and they fear she is in a consumption. Dined at Mr. Tufts's, and soon after dinner I went to see my friend and classmate Little.⁴ I found Thomson there, but he soon after proceeded on his

¹ Samuel Putnam, of Danvers, then an immature youth of twenty, later a Justice of the Supreme Court of Massachusetts for twenty-eight years. See Appleton's *Cyclopaedia of American Biography*, etc.

² Edward Wigglesworth (H. C. 1749), Hollis Professor of Divinity, 1765-1791. His daughter Margaret, the Miss Wigglesworth mentioned below, born December 28, 1766, married Rev. John Andrews September 8, 1789, and lived thereafter in Newburyport.

³ J. Q. Adams and his classmate James Bridge boarded at Professor Wigglesworth's during an eight weeks' vacation due to lack of fuel at the University. See Henry Adams, *Historical Essays*, pp. 93, 94. On pages 80-122 of Mr. Adams's volume; in an essay entitled "Harvard College 1786-1787," free quotations are made from the diary of J. Q. Adams for that period. See *infra*, p. 433.

⁴ Moses Little, born in Newbury July 4, 1766; died in Salem October 13, 1811. J. Q. Adams wrote, under date of May 9, 1787, "Great application, joined to very good natural abilities, place him in the first line in the class as a scholar; he has been attentive to all those parts of science which are pursued here, and in all he has made considerable proficiency. As a speaker he is inferior to several, but his composition is perhaps rather too flowery; to a large share of ambition he unites great modesty, and he has the peculiar talent of being favour'd by the government of the College without losing his popularity with his classmates. His disposition must of course be amiable; he seldom contradicts the opinions of any one, yet when he is obliged to declare his own sentiments, he can show that he thinks for himself; but notwithstanding all his good qualities he is sometimes censured, and such is the instability of all populates that a small trifle might induce two-thirds of the class to deny the improvements and the abilities even of this person." Compare the characterization in James Thacher, *American Medical Biography*, vol. i. p. 358. Moses Little was then a medical student under Dr. J. B. Swett, of Newburyport. Later he was a well-known surgeon in Salem, and lived in the house opposite the Essex Institute. He, and afterward his children, died of consumption; fearing this result, he prepared this inscription, which was placed on his tombstone, —

Phthisis insatiabilis,
Patrem Matremque
Devorasti.
Parce, O! Parce,
Liberis.

He was the son of Richard Little, a shoemaker, seaman, and farmer, who was living in 1787 on Newbury Green. G. T. Little, *The Descendants of George Little*, pp. 37, 94.

way to Wenham. We had several smart showers in the course of the afternoon. Just before dark I return'd to Mr. Tufts's at the Port. In the evening, between nine and ten, we had a very heavy shower, with a violent gust of wind.

16th. I went again this forenoon to see Miss Jones, and offered to call in the afternoon and take a letter for Miss Wigglesworth; but when we set out I entirely forgot my promise, and did not recollect it till I had got some way out of town. Mr. Thaxter arrived in town this morning, and dined at Mr. Tufts's. In the forenoon I engaged a place where I am to board; which is at a Mrs. Leathers's.¹ It is not so convenient as I should wish; but I must put up with it for a time, and when I get here I shall be able to look out for myself. Soon after dinner, I set off in company with Mr. Thaxter; stopp'd a few minutes at Mr. Dalton, where I found a large company from town, and arrived at Haverhill at about sunset.

17th. At home all the forenoon, reading *Tom Jones*,² one of the best novels in the language. The scenes are not only such as may have taken place, but they are similar to such as almost every person may have witnessed. This book cannot lead a person to form too favorable an opinion of human nature; but neither will it give a false one.

Pass'd the afternoon and part of the evening at Mr. White's. The papers of this day give an account of a violent hurricane, which did a vast deal of injury in the towns of Framingham, Sudbury, Marlborough and some others in the County of Worcester, on Wednesday in the afternoon. It was not perceived in these parts of the country, where there were only two or three heavy showers of rain in the course of that day.

18th. This forenoon I took a ride with White to see our classmate Eaton. We spent about an hour with him and return'd before dinner. Dined at Mr. White's and the afternoon went to see his pearl ash works:³ the sight of these, and the account of all the process in making pot and pearl ash, was pleasing because it was new. Leonard complains very much of the stagnation of business; and indeed commerce, as well as the other professions, offers but a miserable prospect to young persons. It is however to be hoped that the scene will brighten within a few years; and when we have nothing more substantial to support us, we must place our dependence upon hope. When I return'd home, I found Mr. Shaw gone to Newbury, where he is to preach to-morrow for Mr. Kimball.

¹ Mrs. Leathers lived on State Street, a block below Mr. Parsons's office.

² Fielding's novel, "*Tom Jones*," was published in 1749.

³ This was an early industry in Haverhill, dating from 1759. It furnished an article of export to England, Ireland, etc. Chase, *Hist. of Haverhill*, pp. 338, 452.

19th. Mr. Kimball¹ preach'd a couple of practical discourses, the subjects of which I liked better than those of Mr. Tappan, last Sunday: his manner of treating his subjects, though good, was not, I think, equal to that of the other gentleman. After meeting I convers'd with him, chiefly upon political topics. He has a most tremendous frown and appears upon so short an acquaintance to be possess'd rather of a peevish difficult temper; which I judge not from his conversation but his countenance; and I am inform'd that this opinion is not erroneous. It was almost sunset when Mr. Shaw came home. Leonard White pass'd part of the evening here, and I took a walk with him down upon the banks of the river. The weather very fair, but looks as if it would not continue so long.

20th. I had some thoughts of leaving Haverhill this morning, but it rain'd all the forenoon; and, as I am not in any particular haste and my friends here are still willing I should remain with them, I determin'd to defer my departure a day or two longer. I staid at home the whole day. Mr. Thaxter² spent the evening with us. He finally declared that he intended, if no unforeseen event should take place, to be married before next December; and I am heartily glad of it.

21st. Hazy weather again all the forenoon. I went and pass'd an hour with my friend White before dinner. Spent the afternoon with Mr. Thaxter at his office. Mr. Dodge was there, a great part of the time. We conversed upon various subjects. Mr. Thaxter, whose feelings are very warm, express'd his sentiments quite openly with respect to a gentleman whose political conduct has been of late somewhat suspicious. I drank tea at Mr. B. Bartlett's.³ Parson

¹ Rev. True Kimball (H. C. 1778), born in Plaistow, N. H., January 28, 1757; settled over the church in West Newbury from November, 1782, to April, 1797; died July 17, 1816, at Hampstead, N. H. See Coffin, *Hist. of Newbury*, p. 370.

² John Thaxter (H. C. 1774), cousin of Mrs. Abigail Adams, son of Colonel John Thaxter, of Hingham, and grandson of Colonel John Quincy; born July, 1755; died July, 1791. At the outbreak of the Revolutionary troubles he was studying law in the office of John Adams; was tutor to J. Q. Adams for several years, and accompanied the father and son, as private secretary to the former, on his second mission to Europe in 1779; returned to America in 1783 as the bearer of the Treaty of Peace with Great Britain. In 1787 he was practising law in Haverhill. He married Elizabeth Duncan, daughter of James Duncan, a merchant in Haverhill. See J. Q. Adams, *Memoirs*, vol. i. p. 7; Chase, *Hist. of Haverhill*, pp. 451, 628; *Familiar Letters of John and Abigail Adams*, pp. 24, 27, 35, 367; John Adams, *Works*, vol. vii. p. 589; etc.

³ Bailey Bartlett, a friend of John Adams, was a fellow-boarder with him and with Samuel Adams at Philadelphia when the Declaration of Independence was adopted. He was a Representative in the Legislature 1781-1784; a member of the State Senate in 1789, and of the Convention which ratified the Constitution of the United States; a Representative to Congress in 1797 and 1799. For forty years,

Smith¹ with his lady, Captain Willis² and his wife were there, and Mr. and Mrs. Lee from Cambridge. It was the first time I had ever been in company with Mr. Lee: he has, I am told, much more show than solidity. He does good, however, with his fortune; and this is meritorious, though the motives by which he is actuated may not be the most noble and generous. Return'd home at about seven o'clock, and received an invitation from Judge Sargeant, which will detain me here one day more.

22d. Dined at Judge Sargeant's, with Mr. and Mrs. Shaw. Mr. Porter³ and his lady are there upon a visit from Rye; with a child about six weeks old, which forsooth immediately after dinner must be produced, and was handed about from one to another; and very shrewd discoveries were made of its resemblance to all the family by turns, whereas in fact it did resemble nothing but chaos. How much is the merciful author of nature to be adored for implanting in the heart of man a passion stronger than the power of reason, which affords delight to the parent at the sight of his offspring, even at a time when to every other person it must be disgusting. Yet it appears to me that parents would do wisely in keeping their children out of sight, at least untill they are a year old, for I cannot see what satisfaction, either sensual or intellectual, can be derived from seeing a misshapen, bawling, slobbering infant, unless to persons particularly interested. We drank tea likewise at the Judge's, and return'd home between seven and eight in the evening. Leonard White came up to give me a letter for his chum.

23d. I left Haverhill this morning at about nine o'clock; and at twelve arrived at the tavern in Wilmington, where I dined. At about two I again set off and got to Cambridge a little before six. I came

beginning with 1789, with an intermission of a few months when Elbridge Gerry was Governor, he held the office of sheriff in Essex County; in 1828 he cast an electoral vote for J. Q. Adams as President. See Hurd, *Hist. of Essex County*, pp. 2009, 2010; G. W. Chase, *Hist. of Haverhill*, pp. 618-620.

¹ Rev. Hezekiah Smith, born on Long Island, N. Y., April 21, 1737; graduated from Princeton in 1762; ordained as an Evangelist in Charleston, S. C.; gathered a Baptist church in Haverhill; remained its pastor for nearly forty years, until his death in 1805. In 1797 he received the degree of D.D. from Brown University, of which he had been an earnest supporter. Mrs. B. Bartlett was a daughter of John White, who with others of his connection were the earliest adherents of Mr. Smith. See Chase, *Hist. of Haverhill*, pp. 584-587, 635; Hurd, *Hist. of Essex County*, pp. 1994-1996.

² Captain Benjamin Willis, born in Boston January 10, 1743, married Mary Ball in 1765; a shipmaster of Charlestown; was taken prisoner by the British on the sea; when released he found his family had taken refuge in Haverhill; he followed them thither, and continued his interest in shipping. See Chase, *Hist. of Haverhill*, pp. 451, 452; Wyman's *Genealogies and Estates of Charlestown*, p. 1036.

³ Mrs. Porter was Judge Sargeant's daughter.

through Mystic¹ and called at Mrs. Tufts's, to see my friend Freeman,² but he was gone to Boston. When I got to Cambridge I found great alterations had taken place since I left College, Mr. Reed³ and Mr. Burr⁴ have resigned, and likewise the librarian.⁵ Mr. Webber⁶ and Mr. Ware were chosen as Tutors, but Mr. Ware declined accepting as he has an unanimous call to settle at Hingham,⁷ and will probably soon be ordain'd. Mr. Abbot⁸ has since that been chosen, and Mr. I.

¹ Mystic, *i. e.* Medford, the home town of the Tufts family. Mrs. Tufts was probably the widow of Dr. Simon Tufts (brother of Dr. Cotton Tufts), who died December 31, 1786. Usher, *Hist. of Medford*, p. 563.

² J. Q. Adams's classmate, Nathaniel Freeman. See *infra*, p. 311 note.

³ Nathan Read (H. C. 1781), a tutor from 1783 to 1787; studied medicine; an apothecary at Salem; an inventor; 1796 established the Salem Iron Foundry for the manufacture of anchors, chain cables, etc.; elected a Representative to Congress in 1801; removed to Belfast, Me., in 1807; was one of the leading citizens of the town; one of the founders of Belfast Academy, and for forty years one of its trustees; Chief Justice of the Court of Common Pleas; Fellow of the American Academy of Arts and Sciences; died in January, 1849. October 27, 1786, J. Q. Adams wrote: "Mr. Read came here [Quincy] in the afternoon, to spend a day. Though he cannot entirely lay aside the tutor, but retains a little of the collegiate stiffness, yet he endeavours to be affable, and is very sociable. These people when distant from their seat of empire, and divested of their power which gives them such an advantageous idea of their own superiority, are much more agreeable than they are when their dignity puts them at such an awful distance from their pupils. Mr. Read conversed much upon several subjects and with a great deal of complaisance; but with most ease and pleasure upon subjects which form part of the studies at the university." See "Harvard College, 1786-1787," in H. Adams, *Historical Essays*, pp. 106, 107, for J. Q. Adams's earlier opinion of Read. See J. Williamson, *Hist. of Belfast*, pp. 550-552; David Read, Nathan Read: his Inventions, etc., a pamphlet of 200 pages; J. L. Chamberlain, *Universities and their Sons*, vol. iv. p. 422.

⁴ Rev. Jonathan Burr (H. C. 1784), tutor from 1786 to 1787, ordained at Sandwich April 18, 1787; he was a pastor there for thirty years; died in Sandwich in 1842. He was chiefly instrumental in the establishment of the academy at Sandwich. Freeman, *Hist. of Cape Cod*, vol. i. p. 645; vol. ii. pp. 134, 137, 139, 144.

⁵ Hon. James Winthrop (H. C. 1769), librarian from 1772 to 1787. Born in Cambridge April 3, 1752, a son of Professor John Winthrop, a classmate of Theophilus Parsons; he died September 26, 1821. He was one of the founders of the Massachusetts Historical Society. See *Proceedings*, vol. i. p. 338, for his portrait; 2 *Mass. Hist. Coll.*, vol. x. pp. 77-80 for memoir; etc. See *infra*, p. 309.

⁶ Samuel Webber (H. C. 1784), later President of Harvard College (1806-1810).

⁷ Rev. Henry Ware (H. C. 1785), pastor at Hingham 1787-1805, Hollis Professor of Divinity at Harvard 1805-1840. He had been a student of theology at Cambridge for the past two years; and during his first months in college J. Q. Adams roomed with him. See Sprague, *Annals of the American Pulpit*, vol. viii. pp. 199-207. H. Adams, *Historical Essays*, p. 86. See entry in this diary of October 24.

⁸ John Abbot (H. C. 1784), tutor 1787-1792. Born at Andover April 8, 1759; he was Professor of Ancient Languages and Classical Literature at Bowdoin

Smith¹ was elected librarian, but has not yet accepted. I passed the evening at several chambers among my old acquaintance, Phillips, Clarke, Lincoln and my classmate Packard;² the only one now in town. Indeed it seemed extraordinary to walk through the college yard and the town finding scholars everywhere, yet without seeing one of those with whom I was the most closely connected. It made me quite dull.

24th. I lodg'd last night with Lincoln, the Senior, whose chum was out of town. Breakfasted this morning with Mr. Andrews, who returned from Hingham last evening. I visited Mr. James and Doctor Jennison; both were very polite.³ The doctor informs me that several material alterations are about to take place with respect to the plan of studies pursued here. Doddridge⁴ is to be put entirely

College 1802-1816; Librarian there 1802-1824, and Treasurer 1816-1829; he died at Andover July 2, 1843. Gen. Catalogue of Bowdoin College. He was a cousin of J. Q. Adams's classmate, Abiel Abbot. Gen. Register of the Abbot Family.

¹ Rev. Isaac Smith (H. C. 1767), a scholarly man, fond of a quiet life, a kinsman of Abigail Adams, son of a Boston merchant; born May 18, 1749; tutor at Harvard in 1774; left for Europe on the outbreak of the war; became pastor of a small congregation at Sidmouth on the coast of Devonshire; returned to America in 1784; librarian at Harvard 1787-1791; prepared the first printed catalogue of the Harvard College Library; was preceptor at Dummer Academy, Byfield, 1791-1809; lastly chaplain of the Almshouse in Boston; died September 8, 1829, aged eighty years; was never married. N. Cleaveland, *The First Century of Dummer Academy*, pp. 34-39; *Journal and Letters of Samuel Curwen*, pp. 69-71, 73, 106, 189-205, 465; *Christian Examiner*, vol. xlii. pp. 337-339.

² "Hezekiah Packard, of Newtown, Middlesex Co., was twenty-four the 6th of last December. He has a good share of original wit; but his genius is not uncommon: his improvements are greater than those of the students in general, but not such as to place him in the first rank of scholars. As a speaker he is too much addicted to a monotony, whatever his declamations are. His disposition is good, and his moral character is unimpeachable." J. Q. Adams, diary, May 22, 1787. Packard's father was a farmer in Bridgewater, Mass. He was born December 6, 1761; a soldier during the Revolution, a boy of fourteen he was in the battle of Harlem Heights; had an unfortunate hospital experience; cultivated his farm; and finally, in the spring of 1782, decided to prepare for college. In 1787 Hezekiah Packard taught the Grammar School in Cambridge and had a room in the college. He was a tutor in mathematics for four years from 1789; was pastor of the church in Chelmsford from October, 1793, to July 29, 1802; a pastor at Wiscasset, Me., from 1802 to 1830; pastor at Middlesex Village of Chelmsford, Mass., from 1830 to 1836; for seventeen years a trustee of Bowdoin College and for ten years Vice-President; he died April 25, 1849, at Salem. See *Memoir of Rev. Hezekiah Packard, D.D.*; chiefly autobiographical (1850), 68 pp.; J. Q. Adams, *Memoirs*, vol. viii. p. 406; *Memories of S. Willard*, vol. i. p. 226.

³ Eleazar James (H. C. 1778) was a tutor from 1781 to 1789. Timothy Lindall Jennison (H. C. 1782), born July 15, 1761, at Douglas; tutor 1785-1788; received the honorary degree of M.D. in 1824; died in Cambridge October 19, 1845. "Harvard College, 1786-1787" in H. Adams, *Historical Essays*, pp. 106, 118.

⁴ Philip Doddridge, *Course of Lectures on Pneumatology, Ethics, and Divinity*, 2 vols., 1763 (2d ed., 1776). When J. Q. Adams was in college, all Juniors

into the hands of the theological professor, which is its proper place; and some attention to history is to be called forth by the recitations on Saturday mornings. The mathematics will be taught in better order than they have been heretofore; and indeed it always appear'd absurd to me, that Sophomores should study Euclid, and learn common arithmetic after they commence Juniors. Henceforth arithmetic, with some little practical geometry, surveying, trigonometry, &c., are to be taught them before they begin upon Euclid, — all the changes which the doctor mentioned will, I think, be for the better. Dined with Mr. Andrews and passed the afternoon at college. Just as I was going into prayers, I was stopped by a couple of French officers from on board the fleet now lying in Boston Harbour.¹ They desired to see the colleges. I waited on them into the library, the museum and the philosophy chamber. After they had satisfied their curiosity, they set out for Boston, and I for Braintree. It was between six and seven o'clock before I got away; at about nine I arrived at Braintree, where I found all my friends well.

25th. In the forenoon I went to Weymouth, to return Dr. Tufts's horse. Dined at the doctor's and pass'd the afternoon there; walk'd leisurely home, and arrived at about sunset. This morning Mrs. Cranch and her son² went to Boston. My cousin intends to read law with Mr. Dawes,³ and will enter his office next Monday. Very damp sultry weather.

26th. I did not attend meeting this day. Employ'd myself chiefly

and Seniors were obliged to attend a series of lectures on divinity and were examined "on assigned portions of the theological part of Doddridge's Lectures." See Josiah Quincy, *Hist. of Harvard University*, vol. ii. pp. 259, 260.

¹ August 23, 1787, there arrived in Boston harbor a French squadron of seven sail under the command of the Marquis de Senneville, who had brought to America, in 1778, the treaty with France. It remained till September 28. See the "Centinel."

² "William Cranch, of Braintree, was seventeen the 17th of last July. The ties of blood, strengthened by those of the sincerest friendship, unite me to him in the nearest manner. Our sentiments upon most subjects are so perfectly similar, that I could not praise his, without being conscious of expressing a tacit applause of my own. His manners I can however pronounce amiable; his spirit, nobly independent; his judgment sound, and his imagination lively. His thirst for useful knowledge and his fondness for study is not surpassed by that of any individual in the class: happy were it for me, if with a perfect coincidence with his opinions in general, I could unite the same talents and the same accomplishments." *Diary of J. Q. Adams*, March 19, 1787. William Cranch was a classmate of J. Q. Adams at Harvard. He was appointed by John Adams a Judge of the Circuit Court of the District of Columbia, and was later its Chief Justice. See Appleton, *Cyclopædia of American Biography*.

³ Thomas Dawes (H. C. 1777), born in Boston in 1758, studied law under John Lowell; 1792-1802 a Justice of the Supreme Court of Massachusetts; 1802-1822 Judge of the Municipal Court in the town of Boston. W. T. Davis, *Hist. of the Judiciary of Massachusetts*, p. 186.

in reading and writing. Mr. Weld¹ preach'd for Mr. Wibird,² and dined here. Miss Street and one of Capt'n Beale's sons, with Mr. J. Warren³ dined with us likewise; in the evening Mrs. Cranch and Dr. Tufts return'd from Boston. My uncle Smith has been for some time very ill of a complication of disorders. The doctor thinks he is at present better than he has been, but that the symptoms are yet dangerous. Up late in consequence of an afternoon nap; read some poetry and some prose, in a cursory manner.

27th. I employ'd myself in the forenoon with making some necessary preparations before my final departure for Newbury-Port. In the afternoon I accompanied the ladies to Mrs. Quincy's.⁴ Miss Nancy has been very ill, and is much thinner than when I saw her last. She is, however, recovering. Pass'd an agreeable afternoon, and return'd home just after dark.

28th. Rode out in the morning with Mrs. Cranch.⁵ It rain'd hard all the afternoon — chilly north-east wind. The fruits of the earth are at this time extremely backward, on account of the little heat and the great rains that have prevailed this summer. The productions of our lands require frequent, rather than plentiful rains, and great heat, as the summers are so short.

¹ Rev. Ezra Weld (Yale College, 1759), pastor in the neighboring South Precinct of Braintree from November 17, 1762, to August 17, 1807; born in Pomfret, Conn., June 13, 1736; died at Braintree January 16, 1816; brother-in-law of Dr. Micajah Sawyer of Newburyport. Hurd, *Hist. of Norfolk County*, p. 113; Hurd, *Hist. of Essex County*, p. 1744.

² Rev. Anthony Wibird (H. C. 1747), pastor of the North Precinct of Braintree, later (after 1792) known as Quincy, for forty-five years, from 1755 to 1800; born at Portsmouth February 14, 1728-29; died at Quincy June 4, 1800. In 1759 John Adams describes him as having a great knowledge of human nature, but as being steeped in a "dronish effeminacy"; and, on Fast-day, 1775, Mrs. Abigail Adams drove to Dedham because she "could not bear to hear our inanimate old bachelor." J. Q. Adams wrote, April 15, 1787: "Went to meeting in the forenoon and heard Mr. Wibird preach. The most pleasing part of his performances is his reading the Psalms: I never heard any person read poetry with so much propriety, and energy. He appears inspired at those times, though never in his own discourses. I did not go in the afternoon." John Adams, *Works*, vol. ii. pp. 60, 72, 197; *Letters of Mrs. Abigail Adams* (1848), p. 48; C. F. Adams, *Three Episodes of Massachusetts History*, pp. 641-643, 762, 841.

³ Probably Joseph Warren (H. C. 1786), son of General Joseph Warren, born August 10, 1768; died April 2, 1790; an officer at the Castle. Frothingham, *Life and Times of Joseph Warren*, p. 545.

⁴ Mrs. Ann Quincy, widow of Josiah Quincy (1709-1784), grandmother of Josiah Quincy, President of Harvard University. "Nancy" married the Rev. Asa Packard, of Marlborough, a brother of J. Q. Adams's classmate, Hezekiah Packard, and died February, 1844, at the advanced age of eighty. Edmund Quincy, *Life of Josiah Quincy*, p. 56. See *infra*, p. 313.

⁵ Mrs. Mary Smith Cranch, aunt of J. Q. Adams, wife of Richard Cranch, mother of Judge William Cranch.

29th. Rain'd in the fore part of the day, but cleared up in the afternoon. I went with my gun down upon the marshes; but had no sport. Game laws are said to be directly opposed to the liberties of the subject: I am well persuaded that they may be carried too far, and that they really are in most parts of Europe. But it is equally certain that where there are none, there never is any game; so that the difference between the country where laws of this kind exist and that where they are unknown must be that in the former very few individuals will enjoy the privilege of hunting and eating venison, and in the latter this privilege will be enjoy'd by nobody.

30th. Staid at home the whole day. Doctor Tufts was here in the morning, on his road to Boston, and in the evening on his return. I took a nap in the afternoon and had a strange dream. I cannot conceive where my imagination ransack'd the ideas which prevailed at that time in my mind. This part of the action of the human soul is yet to be accounted for, and perhaps has not been scrutinized with so much accuracy as it might have been. In the evening I read about one half of Mr. Jefferson's Notes¹ upon Virginia and was very much pleased with them; there is a great deal of learning shown without ostentation, and a spirit of philosophy equally instructive and entertaining.

31st. A very warm day. Rambling all the morning. I met a couple of French officers, gunning on my uncle's farm. In the afternoon I went with the ladies, to see my Grand-mamma;² return'd at about dusk; and closed the last day which I propose to spend in Braintree for some time.

Saturday, September 1st, 1787.

Between nine and ten o'clock this morning I departed from Braintree with Mrs. Cranch; we got to Mr. Foster's at about twelve. I went to Mr. Dawes's office, where I found Cranch and Forbes; dined with the former at Mr. Foster's. Stroll'd about town all the afternoon, and just before sunset I took a walk to Cambridge; where I arrived at about eight o'clock.

2d. Attended meeting all day. Mr. Hilliard³ preach'd; much in the old way. The meeting house, however, did not look as it was wont. The same deficiency I found there that I had perceived in the colleges

¹ The first English edition of Jefferson's "Notes" was Paris, 1782; the first American edition, Philadelphia, 1788.

² Susanna Boylston Adams, daughter of Peter Boylston, of Brookline, born March 5, 1699; died April 17, 1797. A. N. Adams, Adams Hist.

³ Rev. Timothy Hilliard (H. C. 1764), pastor of the First Church in Cambridge from October 27, 1783, until his death, May 9, 1790. Born at Kensington, N. H., February 28, 1747; tutor at Harvard 1768-1771; pastor at Barnstable 1771-1783. Paige, Hist. of Cambridge, p. 298.

and everywhere in this town. All my classmates gone. I dined at Mr. Wigglesworth's with Packard. Peggy appears as amiable as ever. I pass'd the evening with my brothers, and lodg'd with Tom.

3d. I pass'd about an hour, before dinner, with Mr. Winthrop, the late librarian. He is much of a politician; his opinion with respect to the situation of the country is always favorable. Dined with Mr. Andrews. Lincoln,¹ the Senior, was there; a young lad of good abilities, and of great application. In the afternoon I met a couple of French officers in the College yard, who wish'd to see the library and museum; but the butler was not to be found, and they were obliged to defer the gratification of their curiosity to some future opportunity. In the evening I sat about an hour in my brothers' chamber. A number of Juniors were collected in a chamber near there, and were enjoying all the pleasures of conviviality; it brought to my mind the frequent scenes of a similar nature, at which I was present, a short time ago. An involuntary sigh arose in my breast; I left the chamber to put a stop to melancholy recollection, and went to the butler's room; I found Mr. Stedman and Mr. Andrews with him, and pass'd the remainder of the evening very agreeably. Stedman² and Harris³ exerted their talents at telling stories, and diverted us very much; between nine and ten, I retired with Mr. Andrews and lodg'd with him.

4th. After breakfast I return'd to College, and on the way stopp'd at the President's. He was not at home, but Mrs. Willard desired me to take a letter for Sophy,⁴ who is now on a visit at Newbury-Port. At about ten o'clock I went with a number of scholars in the stage carriage for Boston; just as we were going off we met Cranch who had walk'd up from Boston, expecting there would be a meeting of the Φ B K this forenoon, but as it is deferr'd till to-morrow, he return'd with us. I attended Court, but there were no causes of any great

¹ Abner Lincoln, born July 17, 1766, in Hingham; married Hannah, daughter of General Benjamin Lincoln; was preceptor of Derby Academy 1790-1805; died June 10, 1826. Hist. of Hingham, vol. i. part ii. pp. 129, 138; vol. ii. p. 481.

² Stedman, the law student with Theophilus Parsons; see *supra*, p. 299 note.

³ Harris; see *infra*, p. 311 note.

⁴ Sophia Willard married Francis Dana, Jr., August 4, 1802. Paige, Hist. of Cambridge, p. 692; H. Adams, Historical Essays, pp. 102-104, for J. Q. Adams's opinion of President Willard. "Cranch and myself dined at the President's. Mrs. Willard is as different in her manners from the President as can be; they form quite a contrast. Mrs. W. is easy and unaffected, and appears not to be made for ceremony. He is stiff and formal, attached to every custom and trifling form as much as to what is of consequence; however, he was quite sociable; much more so indeed than I should have expected." J. Q. Adams, September 10, 1786.

importance argued. Dined with Mr. Dawes, in company with Mr. Gardiner,¹ who was once an orator on the 4th of July. He is an original character, but shows much more wit in his private conversation than in his public performances. I had engaged a place in the stage to go to Newbury-Port to-morrow, and I found some difficulty to disengage myself; however another person applied in the afternoon, and I retain'd my place for Friday. Pass'd the evening at Mr. Smith's, with Mr. and Mrs. Otis and Dr. Welch² and his lady; lodg'd with my cousin at Mr. Foster's.

5th. Took an early breakfast, and walk'd with Cranch to Cambridge; we got to Packard's chamber, just after nine o'clock. There was a meeting of the Φ B K. The president³ and vice-president⁴ being both absent, Mr. Andrews presided for the meeting; a number of new regulations were introduced; the resignation of the president was read and accepted. Just before twelve, the officers for the ensuing year were ballotted. Mr. Ware,⁴ (who arrived just before the choice) was

¹ John Gardiner, the Bostonian who served as junior counsel in one of the celebrated "John Wilkes" cases in England, delivered the oration at Boston on July 4, 1785. See J. S. Loring, *The Hundred Boston Orators*, pp. 168-172; Appleton, *Cyclopædia of American Biography*.

² Presumably Deacon Isaac Smith of the Brattle Square Church in Boston; Samuel Alleyne Otis (H. C. 1759), brother of James Otis, father of Harrison Gray Otis, one time speaker of the House of Delegates of Massachusetts, Secretary of the United States Senate, etc.; Mary, his second wife, daughter of Deacon Smith. This same group, including Dr. Welsh, is mentioned in the diary September 26 and October 14, 1786. Thomas Welsh, M.D. (H. C. 1772), born at Charlestown June 1, 1752; married Abigail Kent, daughter of a sea-captain of Charlestown, niece of Deacon Smith; was an army surgeon at Lexington and Bunker Hill; March 5, 1783, delivered the last of the series of orations at the "Old Brick Church" on the site of Cornhill-square to commemorate the Boston Massacre. In 1787 Dr. Welsh was a physician residing on Sudbury Street in Boston. In 1799 he was surgeon at Castle Island; physician at the hospital at Rainsford's Island for many years; member of the Boston Board of Health; vice-president of the Massachusetts Medical Society in 1815; a member of the American Academy of Arts and Sciences; died at Boston February 9, 1831. J. S. Loring, *The Hundred Boston Orators*, pp. 154, 155; Wyman, *Genealogies of Charlestown*, pp. 571, 1007; J. Q. Adams, *Memoirs*, vol. ii. p. 4; etc.

³ Joshua Paine (H. C. 1784), son of Rev. Joshua Paine, of Sturbridge, born December 5, 1763; received the degree of A.M. from Yale in 1787; installed over the church in Charlestown January 10, 1787; died February 26, 1788. See Peter Thacher, Sermon preached at Charlestown, February 29, 1788, on the interment of Rev. Joshua Paine, Jr. "Mr. Paine was [at Mr. Hilliard's] and appeared quite happy in his new situation. The people of Charlestown, who never could be united in their opinions for a minister, are universally very much attached to him, and his talents and virtues are such as will probably preserve him that esteem, which he has every where acquired. Mr. H. appears to be very fond of him, and proud of him as a brother." J. Q. Adams, January 15, 1787.

⁴ Rev. Henry Ware, Vice-President, 1786-1787; President, 1787-1791.

elected president; Mr. Harris,¹ vice-president; Abbot,² secretary; and Phillips,³ treasurer. Immediately after this business was finished, we walk'd in procession to the chapel, preceded by the two orators (*Lowell and Freeman*). Freeman⁴ gave us an oration containing mis-

¹ William Harris (H. C. 1786), then a student of theology; later (1802-1816) rector of St. Mark's in New York and (1811-1829) President of Columbia College.

² Probably Abiel Abbot (H. C. 1787), born December 14, 1765, at Wilton, N. H.; taught at Phillips Andover and at Harvard; pastor of the church at Coventry, Conn., 1795-1811, compelled to resign for "heresy"; Principal of Dummer Academy 1811-1819; farmer in Andover; in 1824 established a school at Chelmsford; in 1826 took a farm in Wilton; 1827 to 1839 pastor at Peterborough, N. H.; received the degree of Doctor of Divinity from Harvard in 1838; died in Cambridge January 31, 1859, aged ninety-three. Sprague, *Annals of the American Pulpit*, vol. viii. pp. 229-241; Cleaveland, *The First Century of Dummer Academy*, p. 42; Abiel Abbot, etc., *Genealogical Register of the Abbot Family* (1847), p. 7.

³ John Phillips (H. C. 1788), a member of the Massachusetts Senate for nearly twenty years and first Mayor of Boston. See J. Q. Adams, *Memoirs*, vol. i. pp. 249, 467, 469; vol. viii. p. 406.

⁴ April 2, 1787, J. Q. Adams wrote: "Nathaniel Freeman, of Sandwich, County of Barnstable, was twenty-one the 1st of last month. Few persons are so liberally gifted by nature as this gentleman — he is of a middle size, but extremely well proportioned, his countenance is very handsome and full of dignity. As an animated speaker he shines unrivaled in our class, and for brilliancy of imagination he is inferior to none of his fellow students. He appears to be well acquainted with his peculiar excellence, and has therefore chiefly attended to composition; perhaps he has gone too far in this respect so as to neglect other studies equally useful. In the languages, in the mathematical, and philosophical pursuits, and in metaphysics, though superior to the generality of the students, he is, however, surpassed by many individuals. He was formed for an orator, and as such he will be distinguished whether he plead at the bar or administer at the altar. With great sensibility he unites great ambition; but notwithstanding his numerous advantages he is as free from vanity as any person of my acquaintance. He is warm in his friendship, and perhaps rather too keen in his resentments. His passions are strong, but their violence is counteracted by the generosity of his heart. He has many imperfections which are the concomitants of humanity; but upon the whole it would be difficult to find at this university a more promising character." The son of General Nathaniel Freeman, M.D., he was born in Sandwich March 1, 1766; studied law; in 1794 received a unanimous vote, save one, as Representative to Congress, and served two terms; died August 22, 1800; a brigade major for sixteen years of his short life. See Freeman, *Hist. of Cape Cod*, vol. i. p. 561; vol. ii. p. 137. The "*Mass. Centinel*" for July 21, 1787, gives a highly laudatory account of his oration at the Harvard Commencement. On May 21 Mr. Adams wrote, "Was employ'd the chief part of the day in writing my part for Commencement, and have not yet finished it. As I am conscious of having no talent at rhetorical composition, this allotment has given me a vast deal of anxiety. As my part is of the same kind with that of Freeman whose chief talent, among many others, lies in this kind of compositions, I dread the comparisons which may be made; and although my friendship for him is such that I shall rejoice to see him perform his part with universal approbation and unbounded applause, yet I cannot help fearing that contrasts may be drawn, which will reflect disgrace upon me." Apparently the fears here expressed were

cellaneous observations, without any professed subject; and this like all his other performances was extremely well written, and equally well delivered. *Lowell*¹ gave us an encomium upon history, which contained a number of very good observations, but his delivery was not without a share of that affectation which, if I may so express myself, is natural to him. The students attended very generally except those of the Senior class; who kept off, from a spirit of envy, all except D.² We return'd to the butler's room, and soon after proceeded to Mr. Warland's, where we had an excellent dinner provided for us. Besides the members of the present Senior class, there were present Mr. Kendall,³ and Mr. B. Green,⁴ Mr. Ware, Mr. Andrews, Mr. Harris, Packard, Cranch, Freeman, and myself. After passing a couple of hours in friendly mirth and festivity, at three o'clock we adjourn'd again to Packard's chamber, where we voted to admit Mr. *Bancroft*,⁵ a minister of Worcester; Mr.

unfounded, as under date of Commencement Day (July 18) he wrote that he "was complimented and flattered on every side. One such day every year, would ruin me." "Harvard College, 1786-1787," in H. Adams, *Historical Essays*, p. 99.

¹ John Lowell (H. C. 1786), son of Judge John Lowell, became one of the leaders of the Federalist Party in Massachusetts. He and J. Q. Adams do not seem to have harmonized when they were both members of the Massachusetts Senate in 1802; John Lowell was then one of the supporters of Timothy Pickering; later, a signer of the letter of November 26, 1828, demanding of J. Q. Adams the names of the Federalist leaders charged with wishing a dissolution of the Union in 1808; he also signed the "Appeal to the Citizens of the United States" of January 28, 1829. J. Q. Adams, *Memoirs*, vol. i. pp. 252, 259, 468, vol. vi. p. 14; H. Adams, *New England Federalism*, pp. 45, 91, 185, 410-414; etc.

² D. did not sustain an enviable reputation in later life. He became a minister; divided the church at Pomfret, Conn., and thereby secured a pastorate for himself; but became a drunkard and lost it; died 1802. See D. Hunt, *Hist. of Pomfret, Conn.*, pp. 14, 15.

³ Samuel Kendal (H. C. 1782) was president of the Society, 1781-1783 and 1784-1786. Born at Sherburne, Mass., July 11, 1753; carried to Nova Scotia by his father; worked on farms till he could purchase the last two years of his minority; crossing the Bay of Fundy with a friend in a little boat, he made his way to Sherburne; studied under Rev. Elijah Brown; joined the army when the war broke out; entered college when twenty-five; supported himself when there by teaching school at Waltham in the vacation, etc.; was a pastor at Weston from November 5, 1783, till his death, February 15, 1814. See W. B. Sprague, *Annals of the American Pulpit*, vol. viii. pp. 176-181.

⁴ Benjamin Green (H. C. 1784), born at Waltham in 1764; assistant pastor at Medway for five years from June 25, 1788; at Marblehead; removed to Maine in 1798; was preceptor at Berwick Academy; read law; became a judge, and was U. S. Marshal for the District of Maine; died in 1837. See Jameson, *Hist. of Medway*, pp. 382, 383. He married a daughter of the Rev. Jonas Clarke, of Lexington, in whose house John Hancock and Samuel Adams were the night Paul Revere gave the alarm. Three other daughters married members of the F B K Society, the Rev. Dr. Ware (1785), Rev. Dr. Fiske (1785), and the Rev. Dr. Harris (1786).

⁵ Rev. Aaron Bancroft, D.D. (H. C. 1778), pastor of the Unitarian church in

Packard¹ of Marlborough; and Dr. Barker,² of Hingham, as members of the Society without the usual forms. On account of the Dudleian lecture we adjourn'd the meeting till five o'clock, when we again met, but there being no further business, the meeting was then dissolved. The lecture was preach'd by Dr. Howard.³ The subject was natural religion and his text was from [blank]. And we also are his offspring. The sermon was replete with sound sense and a wholesome doctrine, as all the sermons that I ever heard from this gentleman have been. In the evening I called at the President's and at Mr. Wigglesworth's, and took their letters for Newbury-Port. Lodg'd at college, with Clarke.

6th. This morning after breakfasting with Mr. Andrews I walk'd leisurely to Boston. Just before I left Cambridge the parts for exhibition were distributed; Charles has a dialogue with Emerson.⁴ The circumstance gave me more pleasure than any allotment that I ever had myself. As soon as I arrived in Boston, I immediately went to Court, and found them engaged upon the trial of one John Shehane for burglary. The Attorney General⁵ began, in behalf of the Commonwealth. He examined his witnesses and said but little, observing that he should wait to see what defence the counsel for the prisoner had to make. Mr. Wetmore⁶ spoke first for the prisoner; at the first outset,

Worcester from February, 1786, until his death, August 19, 1839; first President of the American Unitarian Association (1825-1836).

¹ Asa Packard (H. C. 1783), a brother of J. Q. Adams's classmate, Hezekiah Packard, born in Bridgewater, May, 1758; entered the army at sixteen as a fifer; wounded at Harlem Heights; was a pastor at Marlborough from March 23, 1785, to May 12, 1819, with the exception of a few months at the time when the Unitarian schism occurred; died at Lancaster, March, 1843. He married Nancy Quincy. See *supra*, p. 307; C. Hudson, *Hist. of Marlborough*, p. 427.

² Dr. Joshua Barker (H. C. 1772), a physician in Hingham, born March 24, 1753, at Hingham; died April 2, 1800. J. Thacher, *American Medical Biography*, vol. i. pp. 143, 144.

³ Rev. Simeon Howard, D.D. (H. C. 1758), the well-known pastor of the West Church in Boston, who had recently (1785) received the degree of S.T.D. from Edinburgh University. The text was Acts xvii. 28. "Doctor Howard then delivered an excellent sermon [at the installation of Rev. Jonathan Burr at Sandwich] to the general satisfaction; full of candor, benevolence, and piety, with the most liberal sentiments." April 18, 1787, diary of J. Q. Adams.

⁴ Rev. William Emerson (H. C. 1789), only son of Rev. William Emerson, of Concord, grandson of Rev. Joseph Emerson, of Malden; father of Ralph Waldo Emerson; pastor of the First Church in Boston 1799-1811. Later, when a resident of Boston, J. Q. Adams attended this church, and September 13, 1807, his son Charles Francis Adams was baptized by William Emerson, — receiving his first name in remembrance of the Charles Adams mentioned in the text, who was no longer living. See *Memoir in 2 Mass. Hist. Coll.*, vol. i. pp. 254-258.

⁵ Robert Treat Paine of Boston, prosecutor in the Boston Massacre trial in 1770; signer of the Declaration of Independence; etc.

⁶ William Wetmore (H. C. 1770), born October 30, 1749, in Middletown, Conn.; for many years an attorney at Salem; since 1785 a "Barrister at Law," residing

he attempted to address the passions of the jury. Mr. Dawes who sat next to me observ'd that this was a bad omen. The pathetic, he said, should always be reserved for the latter part of the plea. A man should gradually grow warm (said he) as he advances in his subject; like a wheel which acquires heat by rolling. The evidence which Mr. Wetmore produced was very favorable to the prisoner. If true, it proved an *alibi*; and it proved likewise that Shehane had bought the articles which he was charged with stealing; but they told so many different stories, and the Attorney General produced such evidence that they were perjured, that I think no stress could be laid upon it. Mr. Tudor¹ spoke much at length in the afternoon; and very ably. Mr. Paine, closed for the Commonwealth, at about seven in the evening. All the Judges² (there were four present) appeared to be of opinion that the prisoner was guilty. At half past eight, the jury was pack'd, and the Court adjourn'd for an hour; but the jury had not then agreed upon a verdict; upon which the Court adjourn'd till nine o'clock to-morrow morning. I was so entirely engaged the whole day in hearing this trial, which was very interesting, that I had no time to go any where else. Between ten and eleven at night I carried my bundle to Mr. Colman's,³

in 1787 in Boston; later a Judge in the Court of Common Pleas of Suffolk County and, after the reorganization of the courts in 1811, of the middle of the six circuits into which Massachusetts was divided—including Suffolk, Essex, and Middlesex counties; he died November 19, 1830, in Boston. W. T. Davis, *Hist. of the Judiciary of Mass.*, pp. 202-204, 220, 295-297, 308; *Fleet's Almanack for 1787* gives a list of twenty "Barristers at Law" in Massachusetts, of forty-nine "Attornies at Law practising at the Supreme Judicial Court," and of fourteen "Attornies practising at the Common Pleas." Both William Tudor and William Wetmore belonged to this highest order of "Barristers," the qualifications of which are given by W. T. Davis (pp. 295-297).

¹ William Tudor (1750-1819) had studied law under John Adams, and was a classmate and intimate friend of Theophilus Parsons; later, in 1802, he was a colleague of J. Q. Adams as a Commissioner of Bankruptcy in Massachusetts and as a State Senator. He was one of the founders of the Massachusetts Historical Society. See *Memoir by his son* in 2 *Mass. Hist. Coll.*, vol. viii. pp. 285-325; also 1 *Mass. Hist. Coll.*, vol. vi. pp. 149-154; see also John Adams, *Works*, vol. x. p. 432, for a long correspondence from 1816 to 1819 on the history of the Revolution; J. Q. Adams, *Memoirs*, vol. i. pp. 250, 253; etc.

² In 1787 there were five justices on the bench of the Supreme Court of Massachusetts: William Cushing, of Scituate; Nathaniel Peaslee Sargeant, of Haverhill; David Sewall, of York; Increase Sumner, of Roxbury; and Francis Dana, of Cambridge; the latter had not sufficiently recovered from his illness to attend. *Fleet's Almanack for 1787*. See *Proceedings*, xiii. 295, 296 for brief sketches of the members of the Court.

³ A line of stages ran from Casco Bay to Georgia three times a week; the stage for the east left "Col. Colman's adjoining the Mill Bridge," *i. e.*, the bridge on Hanover Street over the Mill Creek which has since been filled in. *Fleet's Almanack for 1788*, etc. See Winsor, *Memorial Hist. of Boston*, vol. ii. p. xiii, for a map.

from whose house the stage sets off, and I took a bed there, in order to be ready to go very early in the morning.

7th. At three in the morning I was roused, and got into the carriage in company with a merchant of Portsmouth, and a sea captain of Newbury-Port, lately arrived from South Carolina. Nothing very interesting occurred in the course of our journey. We dined at Ipswich and reach'd Newbury-Port, between two and three o'clock the afternoon. After taking possession of my room at Mrs. Leathers's, I went to Mr. Parsons's office, where I found Thomson and Townsend.¹ I soon went to see my friend Little, whom I found at Dr. Swett's.² I pass'd an hour there, and then went with Little, and deliver'd the chief of the letters with which I was charged. Little came home with me to my lodgings, and pass'd part of the evening with me. As I was up so early in the morning, and was somewhat fatigued with my journey, I retired early to bed.

8th. I arose in the morning quite refresh'd, and immediately after breakfast went and took my station in the office. I began upon the first volume of Robertson's History of Charles the V.³ which Mr. Parsons recommended as containing an account of the feudal institutions, from which were derived many of the laws which are now established in different parts of Europe. I have already read the book; but thought it would be best to peruse it again. I was no where this day, except at the office and my lodgings. Saturday evening: rather tedious.

¹ Horatio Townsend (H. C. 1783), born in Medfield March 29, 1763; opened his law office there; in 1791 his name appears in the list of attorneys practising at the Supreme Court of Massachusetts; in 1799 he was appointed special justice of the Court of Common Pleas and soon after clerk of the Courts; he was removed by Governor Gerry in 1811; was re-appointed the next year, and held the office till his death, July 10, 1826. His residence was in Dedham. Hurd, Hist. of Norfolk County, p. 15; Tilden, Hist. of Medfield, p. 498.

² Dr. John Barnard Swett (H. C. 1771), descended from one of the original grantees of Newbury, but born at Marblehead June 1, 1752, where his father was a merchant. He was adopted and educated by his great-uncle the Rev. John Barnard, of Marblehead, for whom he was named and who grieved when he failed to become a minister. He studied surgery at Edinburgh for three years under Dr. William Cullen, living there at the time of Hume and Robertson; served as surgeon on an expedition to the Falkland Islands; visited the hospitals of France and England; returned to America in 1778; served as a surgeon in the army under General Sullivan in Rhode Island and in the expedition to the Penobscot, returning from the latter, after the destruction of the fleet, on foot to the Kennebec; settled in Newbury in 1780. He died in August, 1796, in combating an epidemic of yellow fever that was terrorizing the town. He was a member of the American Academy of Arts and Sciences; Corresponding Secretary of the Massachusetts Medical Society; and took a very active interest in the fraternity of Freemasons at Newburyport. James Thacher, American Medical Biography, vol. ii. pp. 106-110 (article signed D. A. T.—is this Dudley Atkins Tyng?). Moses Little was studying medicine in Dr. Swett's office.

³ The first edition was published in 1769.

9th. I did not attend meeting this day, for several reasons. At home the whole day; it was extremely long and tedious. I amused myself with reading in the first volume of Blair's¹ lectures. I have already perused the work; but I think it deserves a second reading. Retired early to bed, merely from *ennui*.

10th. Attended at the office the whole day. Continued Robertson. Thomson engaged this morning to take the charge of one of the town schools,² for a year. It will interfere very much with his attendance at the office. His father,³ who is very rigid in his religious opinions, and probably entertains an unfavourable idea of the profession of the law, is very averse to his son's engaging in it; and takes every opportunity he can to discourage his son from the study; and it is supposed he took this method among others to draw off his attention from this pursuit. But he will certainly fail in the attempt, and I doubt whether Thomson will keep the school, more than half the year through. In the afternoon we walk'd to Mr. Atkins's, and found Mr. John Tracy⁴ with him; we pass'd part of the evening at Mr. Tracy's house. I there met with a French gentleman with whom I convers'd about half an hour. Return'd home between eight and nine in the evening.

11th. Thomson began his attendance upon the school this morning and attended at the office all the leisure time he had. If he should

¹ Lectures on Rhetoric and Belles Lettres by the Rev. Hugh Blair, D.D., pastor of the High Church in Edinburgh and a lecturer at the University. London, 1783, 2 vols.

² The North School on Bartlett's Lane, now Winter Street. The building is still standing, having been a dwelling-house since 1826. S. A. Emery, *Reminiscences of a Nonagenarian*, p. 220; J. J. Currier, "Ould Newbury," p. 613.

³ Deacon Thomas Thompson (about forty-five years of age) was a deacon in the church of the Rev. Samuel Spring—the Second Congregational or "North" Church in Newburyport—the one formed in 1769 by the amicable withdrawal of the more orthodox from the "First Religious Society of Newburyport," on the installation of the Rev. Thomas Cary. Samuel Spring, Discourse delivered March 13, 1808, in consequence of the death of Deacon Thomas Thompson; *The One Hundred and Fiftieth Anniversary of the First Religious Society*, pp. 28, 29, etc.

⁴ John Tracy (H. C. 1771), in 1787 a man of thirty-four; born April 19, 1753, married in 1775; a Justice of the Peace; an Adjutant-General of the militia; a member of St. John's Lodge of Free and Accepted Masons, a vestryman in St. Paul's (Episcopal) Church for over thirty-five years; died March 1, 1815. He had seen a brief service in the army under General Sullivan in Rhode Island, and like his brother, Nathaniel Tracy, had prospered as a merchant during the early days of the war and later lost heavily. Yet he still dwelt on aristocratic High Street in one of its finest residences, secured to his children by his father. Judge John Lowell built this house, the duplicate of the "Timothy Dexter House," which stands beside it. Rev. David Tappan, pastor at West Newbury, and Dr. J. B. Swett were his classmates; see *supra*, pp. 297, 315. See Currier, "Ould Newbury," pp. 548, 577-584. Illustrations of both houses will be found there.

make a practice of this it must necessarily be essentially injurious to his health. I dined this day with Townsend; pass'd the evening at home in reading and writing.

12th. Training day for the alarm list. From sixteen to sixty years the inhabitants of this Commonwealth are subjected to the duties of militia-men. As a student of Harvard University, I shall be exempted for three years, for all the sons of Harvard are considered as students at that seminary until they commence masters of arts. This forenoon I finish'd the first volume of Robertson's Charles V. and, as I read now in connection with my studies, I shall not proceed with the other volumes. In the afternoon I took up Vattel's¹ Law of Nature and of Nations.

13th. Dined with Dr. Kilham² at Mr. Carter's. This is a very friendly, obliging old gentleman, about seventy-three years of age, as I collected from his conversation. He is very sociable, and is a great genealogist. He gave me a much more circumstantial account of my ancestry, for four or five generations back, than I had ever known before; and I am told he can give the same kind of information to almost any body else. He has two sons with him; both I believe between twenty-five and thirty years old and one daughter.³ One of his daughters was married in the beginning of the summer, to Mr. W. Smith of Boston; and his eldest son proposes to be married in the spring to Miss Eppes Cutts, who has made her appearance heretofore in this journal. Her sister, Miss Nancy Cutts, is now upon a visit at Mr. Carter's, and dined with us. I think she is handsomer, and that her manners are easier

¹ Vattel, *Le droit des gens*, etc. Neufchâtel, 1758.

² Dr. Daniel Kilham (H. C. 1777), a fellow boarder at Mrs. Leathers's. Born at Wenham, he was prepared for college at Dummer Academy, studied medicine with Dr. Holyoke, of Salem, disliked the work of his profession, and decided to be an apothecary at Newburyport. In 1804 he retired in ill health to his farm in Wenham; died October 12, 1841, aged eighty-eight; was never married. He was one of the founders of the American Academy of Arts and Sciences. See M. O. Allen, *Hist. of Wenham*, pp. 145-148.

³ Mary Carter married Edward Cutts, brother of Miss Eppes Cutts, April 17, 1796; lived in Portsmouth, N. H.; died in North Hartland, Vt., March 11, 1840, aged seventy-four. Nathaniel Carter, Jr., married Eliza Eppes Cutts May 1, 1788; died in Kennebunk June 10, 1842. His wife was born in Portsmouth, N. H., May 5, 1765, and died in Kennebunk June 23, 1857. Anna Holyoke Cutts, born in November, 1767; died August 30, 1788. C. H. C. Howard, *Genealogy of the Cutts Family*, pp. 42, 43, 79, 80. The younger son of Mr. Carter was probably Mr. Joshua Carter, a ship-owner in Newburyport, who represented the town in the Legislature in 1799, and took an active part in the erection of a new meeting-house for the First Parish Church in 1800. J. J. Currier, "Ould Newbury," pp. 442, 445, 711, 712; Hurd, *Hist. of Essex County*, p. 1741. William Smith (H. C. 1775), son of Isaac and Elizabeth (Storer) Smith, born June 19, 1755, in Boston; married Hannah Carter; died April 6, 1816; a merchant in Boston, having, in 1789, a store on State Street and a house on Court Street; a kinsman of Mrs. Abigail Adams; a brother of Rev. Isaac Smith (see *supra*, p. 305.)

than those of her sister. How the comparison might be in mental qualifications I am not able to decide. I was alone this afternoon in the office, as Townsend and Thomson were both gone to see the manœuvres of the four companies of militia of the train band, who were this day forming themselves for soldiers. In the evening I pass'd an hour at Mr. Tufts's. Mrs. Tufts is very unwell.

14th. The weather for this week past has been from day to day alternately very warm and very cold. These sudden transitions, which in this country are very common, are almost too powerful for our constitutions: to foreigners they are almost intolerable, and I believe even the inhabitants, who from their birth have been used to them, suffer more from them than they are aware. This forenoon I received a letter from my friend Forbes, enclosing one for Miss Jones, and in the evening I called and delivered that which was consigned to my care. Mr. Parsons arrived just before dark from Boston, and was the bearer of a short letter from Cranch. The Supreme Court have adjourn'd from Boston till some time in December. *Shehane*, the fellow whose trial I attended, was found guilty, and is now under sentence of death. But all the prisoners who were convicted of treason have received a full and free pardon. Is it much to the credit of our government that a man who has stole 30£ worth of plate should die for the offence, while others commit treason and murder with impunity?¹ I pass'd the evening and supp'd with Townsend. We amused ourselves by playing backgammon. At about ten I retired home.

15th. Dined with Townsend and Thomson at Mr. Parsons's. I finished this day the first volume of Vattel. The first book treats of the duties of a nation with respect to itself: the second of its obligations towards others. His sentiments and principles appear to be dictated by good sense and real virtue. They appear all to derive from that law of nature, which every person of common sense and common honesty must wish to prevail:—Do as you would be done by. Mr. Parsons endeavoured to persuade Thomson to give up his school; he told him it would infallibly either murder his health or his studies; he himself had tried it for two years and it had almost ruin'd him. My trunks at length arrived from Boston, and I shall at least have more

¹ The allusion is to the exercise of general clemency on the part of Governors Bowdoin and Hancock to those concerned in what is known as Shays's Rebellion. This uprising had been suppressed during the month of February, 1787. The trials of those concerned in it took place during the following March, and fourteen were convicted and sentenced to death. Eight were pardoned, and the remainder reprieved by Governor Bowdoin during his term of office. Governor Bowdoin was succeeded by Governor Hancock in May, 1787, and a final pardon was issued by him on the 12th of September, two days before the date of the entry in the text, covering the cases of nearly all under sentence. See Barry, *Hist. of Mass.*, vol. iii. p. 255; Fiske, *Critical Period*, pp. 183, 184; Minot, *Hist. of the Insurrections in Massachusetts in 1786*, pp. 171–188.

convenience than I have as yet had here. Little pass'd the evening with me at my lodgings; and his company is always agreeable. I received a letter from Braintree. The French fleet have received orders to sail immediately for Brest, and it is added they are enjoined to avoid all English fleets. It is conjectur'd that the affairs in Holland are now arrived at a crisis, and it is not improbable that England and France will support the opposite parties.¹

16th. I took a walk this morning as far as Dr. Tucker's meeting house;² but it was to little purpose, unless the exercise of the walk was sufficiently beneficial to me to compensate my trouble, for Mr. Kimball happened to preach, and delivered the same sermon which I heard him read at Haverhill four weeks ago. As I did not incline to hear the afternoon sermon twice, I attended at Mr. Carey's.³ This gentleman is a good preacher; but appears extremely indolent. His manner is also far from being graceful. After meeting I went with Dr. Kilham to his shop; and he lent me a number of pieces of good music. He has a very pretty taste in this art, though he does not perform upon any instrument. Just before dark I took a walk with Townsend, and called in at Mr. Atkins's. He himself was not at home; his mother and sister were.⁴ Mrs. Atkins is a very sensible, agreeable

¹ See Lecky, *Hist of England in the Eighteenth Century*, vol. v. p. 78. November 10, 1785, a treaty of alliance was formed between France and Holland, as a result of the enmity which had sprung up between England and Holland during the American war. The Prince of Orange, the hereditary Stadtholder, favored England. September, 1786, as a result of difficulties in Holland, the States deprived the Prince of the military authority. In June, 1787, they arrested the Princess of Orange on the way to the Hague. Her brother, Frederick William II., king of Prussia, interfered; and the day after this entry in the diary (September 16) Utrecht surrendered to the Prussian army without any attempt at defence. Prussia and England guaranteed the hereditary stadtholderate; and, for the moment, English influence became predominant over French influence in the Netherlands.

² Dr. Tucker's meeting-house was in Newbury, about a mile from Newburyport. It was the first church in the town. See J. J. Currier, *Hist. of Newbury*, pp. 335-344; Rev. John S. Popkin, *Sermons preached May 4 and September 17, 1806*.

³ The Rev. Thomas Cary (H. C. 1761), born in Charlestown in 1745, had been the pastor of the first parish in Newburyport for nearly twenty years. This was the church over which the Rev. John Lowell, ancestor of the Lowell family of Massachusetts, had been the first pastor and to which, in the present century, Colonel T. W. Higginson and Rev. R. C. Waterston gave brief periods of service. On the settlement of Mr. Cary, an Arminian and Calvinist schism took place, the church losing a third of its members who were Calvinistically inclined. The legal profession was well represented here—Judge Bradbury, Judge Greenleaf, and Mr. Theophilus Parsons being members of the congregation. See Anniversary of the Meeting House of the First Religious Society in Newburyport, October 31, 1901; Currier, "Ould Newbury," pp. 430-447; etc.

⁴ Dudley Atkins (H. C. 1781) changed his name in 1790 to Dudley Atkins Tyng to inherit from Mrs. Sarah Tyng Winslow a Tyngsborough estate. In 1787

old lady, whose conversation unites the vivacity of youth with the sound judgment of experienced age. Her daughter appears to be about twenty. She may be more, or less, for near that period of life the countenance retains nearly the same appearance longer, perhaps, than at any other age. She has fine eyes, and a very pleasing symmetry of features; but not an handsome set of teeth. We past about an hour there; Townsend stopp'd at my lodgings, and tarried the remainder of the evening here. I received a couple of letters from Cambridge; one from Packard, and the other from Clarke,¹ who is now a Senior. Retired late.

17th. Three of us in the office were employ'd the whole day in taking copies of the writs which are to be entered at the next Court, which will sit in this town next week. General Freeman² pass'd through town this day, and came to visit Mr. Parsons. In the afternoon I took a walk with Little. At home all the evening. Weather very cold.

18th. We had some more writing to do this forenoon. Mr. Parsons went to Exeter, where the Supreme Court for the State of New Hampshire are now sitting. At twelve o'clock, I attended Townsend before Mr. Justice Tracy. One M'Intier had prosecuted a Sarah Bayley for defamation in saying that he was a thief. The parties could not agree. They had not their evidence ready, and the Court was adjourned till three o'clock. Townsend and I dined with his worship. Mrs. Tracy³

he was twenty-seven years of age and a Justice of the Peace. Descended from Governor Dudley, he had been a tutor in the family of Mrs. Selden of Virginia, and studied law under her brother, Judge Mercer. His father, Dudley Atkins, represented Newburyport in the Legislature at the time of the Stamp Act, but was a royalist; his house, it is said, would have been mobbed except for the presence of mind and tact of his wife, Sarah Kent Atkins. She was left a widow with six children in 1767, struggled many years against poverty, lost one son at sea, and saw two daughters married. Recently she had purchased a house in Newburyport, where she lived with a son and a daughter, Rebecca. She died October 16, 1810. Rebecca Atkins, born March, 1767, died unmarried, June 23, 1842, lived on High Street, and was known as the "friend of all the young people of the town." In 1795 D. A. Tyng was appointed by Washington Collector of the Port of Newburyport, but lost the place under the Jeffersonian régime; is best known as reporter of the decisions of the Massachusetts Supreme Court from 1806 to 1822. See Memoir by his friend John Lowell in 3 Mass. Hist. Coll., vol. ii. pp. 280-295; F. H. Atkins, Joseph Atkins: The Story of a Family, pp. 57, 87-96; S. A. Emery, Reminiscences of a Nonagenarian, pp. 166-168.

¹ Edward Clarke (H. C. 1788) born September 10, 1770, in Boston; entered the law office of John Lowell; died July 5, 1791, at Lancaster.

² General Nathaniel Freeman, of Sandwich, a well-known Revolutionary patriot and versatile man, student of medicine and of law, distinguished as a physician, an orator, and a soldier, Brigadier-General of the militia of Barnstable County from 1781 to 1793. His son Nathaniel was a classmate of J. Q. Adams. See *supra*, p. 311.

³ John Tracy married Margaret Laughton May 2, 1775. She was born May 12, 1755, and died November 9, 1806. Currier, "Ould Newbury," p. 579. See also p. 581 for the opinion of the Marquis de Chastellux.

is an agreeable woman, still handsome, but with her share of vanity. At three o'clock the Court was again opened: the parties had agreed to compromise the matter, and Bayley is to pay the costs. Neither of them, I believe, could be easily defamed, but had the case been tried I suspect the plaintiff would have recovered damages. After this weighty affair was brought to a conclusion, I took a walk with the Squire and Townsend about three miles out of town, to one Sohier's, where we eat a couple of fine muskmelons; it was dark before we got back to Mr. Tracy's. We stopp'd there and play'd backgammon about two hours; after which Townsend and I returned to our homes.

19th. The equinoctial storm, which has been gathering in the heavens for a week past, has now appeared with all its violence and rage. Stedman arrived in town last evening, and has attended in the office this day. He brought me no letters from Cambridge, but left all friends well. We had a violent debate in the office, between Stedman and Townsend, upon a point of law. The contest began by a difference of opinion between Townsend and me. Stedman was on my side of the question, and the dispute soon center'd in them; books were produced and authorities brought which both parties declared to be plump in their favour respectively. Townsend at last finding three against him, (for Thomson had sided likewise) got out of patience, and hinted to us that we could not understand the meaning of the terms, as we had been so short a time in the office; so we left him to battle it with Stedman. An appeal was agreed upon to Mr. Parsons. Townsend, however, after shifting his ground several times at length discovered that there was nothing in the case but a misunderstanding of words, and appears at present to give up the point. But he is fond of these debates, and fonder of his own opinion. Thomson did not appear in the afternoon; this, however, was quite peaceable. The weather was such as rendered a fire in the office very comfortable. I was at home all the evening, reading Rousseau's confessions.¹ This is the most extraordinary book I ever read in my life.

20th. I expected this morning when I waked up to hear the winds whistle and the tempests roar; but all was still and calm; the storm was violent but short. We were pretty still this day at the office; but four at a time is certainly too many. Some one or other of us is talking almost all the time, and consequently reading does not proceed rapidly. Little came and pass'd half an hour with me in the evening; but was engaged for the remainder of it. I copied some extracts, and wrote a letter.

21st. Quite still in the office this day. I read a good deal. This afternoon Amory arrived; and thus we are all five here. I called at Mr. Carter's and desired him to take charge of a letter to W.

¹ First edition, Geneva, 1782.

Cranch. I pass'd an hour or two with Mr. Tufts. A very beautiful evening.

22d. This forenoon I finish'd Vattel. The third book treats of War, and the fourth of Peace; much in the same manner as he treats the other parts of his subject. "Honesty is the best policy" says nature; and so says Vattel. Mr. Parsons returned from Exeter before dinner. I intended to have gone to Haverhill this afternoon, to spend the Sunday there; but the weather was such as threatened a storm, and I gave up my plan. I went up with Townsend, Stedman, Amory and Stacey¹ to Sohler's tavern about three miles out of town, where we had some fine melons. We return'd in the dark. I pass'd the evening, and supp'd with Townsend.

23d. Attended upon Mr. Carey the whole day. His manner is not very agreeable; but his stile is much better than common. Townsend called here in the evening. Amory set off this morning for Boston. They say it is impossible for him to stay three days at a time in one place. He has been absent six or eight months and promised Mr. Parsons some time ago that he would come, and be very steady all through the winter. He arrived here on Friday, has not yet been ten minutes together at the office, and now is gone again. He is gone however upon business, and intends to return to-morrow.

24th. Townsend went to Topsfield to hear a cause tried before a justice. Stedman has been hunting all over the neighbourhood for his horse, who disappeared on Saturday. Thomson has a whole week respite from his school; but did not come to the office in the afternoon. I was there alone. Amory return'd from Boston between four and five, and at about six set off for Exeter. To-morrow he goes to Portsmouth and Wednesday morning he intends to be here again. Amidst the noise of the office, which was greater than usual because this is the last day before the sitting of the Court of Common Pleas in this town, I made out however to read about eighty pages of Blackstone's Introduction, and making a few extracts. I copied others in the evening till quite late, and at this moment my fingers are so fatigued with writing that I positively must throw by my pen.

25th. I have given up all pretences to study any more this week. The Court of Common Pleas sits here; and I shall attend that. It was near one o'clock this day before they met, and then they immediately adjourn'd till the afternoon. I was there after dinner. Nothing was done but calling over the actions. Judge Greenleaf² gave a very

¹ George Stacey (H. C. 1784), born in Ipswich; studied law; died 1808.

² Judge Benjamin Greenleaf (H. C. 1751), born in Newburyport March 19, 1732; died January 13, 1799. Before and during the Revolutionary War, a member of the Executive Council; now, 1787, Chief Justice of the Court of Common Pleas for Essex County. He was the father-in-law of Theophilus Parsons. E. V.

short charge to the grand jury, in which he observed to them that frequently persons were charged, by malicious enemies, of crimes whereof they were entirely innocent; and he recommended to them to be upon their guard, so as not to be deceived by false accusations of that nature. The Court adjourned by five o'clock. I went and took a walk with Mr. Symmes¹ and Townsend. Symmes was sworn in at the Court of Common Pleas this time last year; but has not, I believe, an immediate prospect of making his fortune in the profession. I was with Townsend at his lodgings till between seven and eight o'clock. Mr. Bradbury² this afternoon told me a piece of news which shock'd me exceedingly, — that S. W. was rusticated; and for a crime which is the more infamous because it can be attributed neither to youthful levity nor to the extravagance of ebriety.

26th. Attended Court the whole day. Little was done in the forenoon except calling over the cases. But in the afternoon, a cause was tried by jury, between one Smith and James Brown. Smith had attached certain lands as the estate of Brown's father, to satisfy a debt due to him: Brown claim'd those lands as his property, and produced in court two deeds, by which his father had made over the lands to him. The question to be tried by the jury was, whether those deeds were valid, or whether they were given merely to evade the payment of the father's debts, and in order to secure himself a maintenance during the remainder of his life. Mr. Parsons, for the plaintiff, proved that for the real estate of the father, which at that time was assessed at £450, James had only allowed him about 230, and that the chief of this

Smith, *Hist. of Newburyport*, p. 347; J. J. Currier, "Ould Newbury," pp. 332, 455; J. E. Greenleaf, *Genealogy of the Greenleaf Family*, pp. 65, 150, 426-428, etc.; W. T. Davis, *Hist. of the Judiciary of Mass.*, p. 130.

¹ William Symmes (H. C. 1780) had been a law student with Mr. Parsons. The son of the Rev. William Symmes, D.D., pastor of the church at North Andover, he was born May 26, 1760; died in Portland January, 1807; never married. On November 15 of this year (1787) the young lawyer wrote his well-known letter to Peter Osgood, voicing the opposition to the Federal Constitution, and yet asking for it a candid consideration. His reasoning against the Constitution secured him an election to the Massachusetts Convention, and he was there one of the ablest and most interesting opponents of its adoption in its existing form. After the introduction of amendments subsequently, by Governor Hancock, Mr. Symmes withdrew his opposition, and, unlike his colleagues, voted for the Constitution. North Andover did not follow his lead, became strongly anti-federal, and, it is said, made life uncomfortable for him, so that he removed to Portland as early as 1790. See speeches of January 22 and February 6, 1787, in Elliot, *Debates*, vol. ii. pp. 70-75, 172-174; Memorial Discourse by the Hon. Nathan Hazen; Hurd, *Hist. of Essex County*, pp. 1579-1581, 1667, 1675-1677; Abiel Abbot, *Hist. of Andover*, p. 149; J. A. Vinton, *Symmes Memorial*, pp. 59-61.

² Probably Theophilus Bradbury, whose son George Bradbury was a student in Harvard College. S. W. was for some years a teacher in Vermont; died at the age of seventy-nine in an insane asylum.

was by paying debts for which he had been previously bound with his father. Mr. Sullivan,¹ for the defendant, endeavoured to show that such deductions were to be made from this estate as would reduce it to about 280£, and that some other charges ought to be added to what James had allowed his father, which would make his contract quite equitable. The pleadings were very interesting, and it was after seven in the evening before the case was given to the jury. The Court then adjourned till the morning, at nine o'clock.

27th. The jury upon the case of Smith and Brown gave their verdict in favour of the plaintiff, and declared the deeds fraudulent. The next jury case which came on was between William Bartlett and Daniel Dodge, both of this town. Dodge, who is a mason, engaged to build and plaister a brick house for Bartlett² at a certain price, in the year

¹ James Sullivan, forty-three years of age, a Barrister at Law resident in Boston, had resigned a place on the bench of the Supreme Court to practise his profession, and was already well known as a member of the Legislature, of the Executive Council, and of the Congress of the Confederation. Later he was Attorney-General (1790-1807) and Governor of Massachusetts (1807-1808). In 1793, when the question of the neutrality between England and France, the guarantee of the West India Islands, the reception of Genêt, and the revocation of the exequatur of Consul Duplaine were being agitated, J. Q. Adams wrote two series of essays in the Boston "Centinel" under the signatures of Marcellus and Columbus. James Sullivan, then Attorney-General, replied in the "Chronicle" under the signatures of Junius and Americanus. J. Q. Adams retorted under the signature of Barneveltdt; and the highly controversial papers of Americanus and of Barneveltdt often appeared in the same issue. Attorney-General Sullivan was not offended by this sharp criticism, but, on the contrary, employed the young and waiting lawyer in several cases. Their support of Jefferson's embargo policy produced political as well as personal friendliness between the two, when J. Q. Adams was a Senator and James Sullivan, Governor of Massachusetts; when Governor Sullivan died, J. Q. Adams was requested by the family to prepare an obituary notice, which appeared in the "Chronicle" on the day of the funeral, and has been reprinted by T. C. Amory in his *Life of James Sullivan*, vol. ii. pp. 320-325. See J. Q. Adams, *Memoirs*, vol. i. pp. 27, 28, 502, 542; T. C. Amory, *Life of James Sullivan*, vol. i. pp. 288-290; vol. ii. p. 318. James Sullivan was the first president of the Massachusetts Historical Society. See 2 Mass. Hist. Coll., vol. i. pp. 252-254; also T. C. Amory, vol. ii. p. 157. See *infra*, p. 341.

² William Bartlett (1748-1841), from a poor boy apprenticed to learn a trade, was, at forty, one of the wealthiest merchants and ship-owners in Newburyport. A man of an iron constitution and of a sturdy and unyielding Calvinism, as "a matter of conscience" strictly demanding "from the poor as well as rich, a prompt compliance with contracts," he was a munificent donor to Andover Theological Seminary, and was even ready to release freely a promising apprentice like Patrick Tracy Jackson that he might better his fortunes by a voyage to India. E. V. Smith, *History of Newburyport*, pp. 349-351; J. J. Currier, "Ould Newbury," pp. 162, 709-712. Mr. Eben F. Stone, at the Two Hundred and Fiftieth Anniversary of the Settlement of Newbury (p. 100), noted that Newburyport at this time possessed two classes of rich men, — Dalton, Hooper, Tracy, Jackson, John Coffin Jones, men of wealth and of education, living in ease and elegance

1778. In the course of his doing the work the paper currency depreciated considerably, and the question now is whether Dodge is to be held to the original sum, or whether the monies he received at different times is to be reduced by the scale of depreciation at those times. Parsons was for the plaintiff, Bradbury¹ for the defendant. Parsons, in the midst of his plea, broke off and proposed to leave the matter to a reference. The parties agreed; and the jury, after being employ'd four or five hours upon this cause, were entitled only to half-fees. However, they were probably gainers by the circumstance, for the case was so difficult and intricate that they would have found it very difficult to agree upon a verdict.

After this was over two negroes and two white men were arraigned for different thefts. All of them pleaded guilty; and were sentenced to whipping, hard labour, &c. At about dusk the Court adjourned to nine in the morning. I dined at Mr. Tufts's. Thomson, Little, and Putnam passed the evening with me. Putnam came to apply again for admission into Mr. Parsons's office. There was a bar meeting this evening, and the matter was to be laid before them. I saw Mr. Thaxter after the meeting was over, but he would not tell me what their determination was.

28th. I learnt this day that the bar determined last evening to abide by the rule which they had adopted some years ago, which was that there should not be more than three students in an office at once. Putnam therefore cannot be received by Mr. Parsons. I understand he has this day applied to Mr. Bradbury, who will receive him immediately. Court sat all day, but finally adjourn'd this afternoon, till next April, when they will sit at Ipswich. There was one trial by jury this forenoon. It was between Parson Murray,² of this town, and

on the hillside; Bartlett, Brown, Coombs, Marquand, etc., the new rich of that day, building their homes within sight of their wharves and storehouses.

¹ Theophilus Bradbury (H. C. 1757), Barrister at Law and Justice of the Peace and the Quorum, resident at Newburyport; later member of Congress (1795-1797) and Justice of the Supreme Court of Massachusetts (1797-1803). Theophilus Parsons had studied law in his office in Falmouth (*i. e.* Portland) before it was burnt by the British; after that both men returned to Newburyport.

² Rev. John Murray was the pastor of the Presbyterian Church of Newburyport, formed in response to the preaching of George Whitefield. This case in the law court was an incident in a long struggle of over fifty years. In 1749 Jonathan Parsons, then pastor, complained in a letter to Elisha Williams in London that for refusing to "pay taxes to ministers on whose ministry they never attend, they were 'dragged about upon the ground,' 'dressed up in bearskins and worried,' were thrown upon carts, hauled through streets, and imprisoned with a — 'Lie there till you have paid the utmost farthing.'" By 1764 the question was settled so far as the inhabitants of Newburyport were concerned. But non-residents did not have so clear a case. Their rights depended here upon the interpretation of the third article of the Declaration of Rights in the Constitution of 1780, which provided "that the several towns, parishes, precincts, and other

the inhabitants of Salisbury. One of the people of Salisbury attended always at Mr. Murray's meeting, but was assessed in his own town: the question was whether his tax should be paid to Mr. Murray, or whether it should go to the support of the minister of Salisbury. The jury brought in a verdict in favour of Mr. Murray. A similar case has two or three times been determined in the same manner, I think very improperly; and so thinks Mr. Parsons. In the afternoon a man was convicted of stealing a couple of sheep, for which he was fined thirty shillings. Parsons said in England he would have been hung; but I a little doubt. I dined at Mr. Carter's, Mr. and Mrs. Smith from Boston were there. Mr. Smith brought me a letter from W. Cranch, which gives me an account of the rustication of W. The circumstances are much to his disgrace. I had likewise a letter from my father,¹ and one from my mother, of the 18th & 20th of July. Some letters are yet remaining. Little was with me about half an hour this evening.

29th. I attended at the office the whole day, and resumed Blackstone, whom for three or four days I had laid aside. I did not, however, read a great deal. In the evening I took something of a long walk with Townsend; and as I return'd stopp'd to sup upon the birds, which Amory and Stacey had been hunting for in the course of the day. There were three other gentlemen there, Mr. Coffin, Mr. Winslow, and a Captain Cochran. We got to singing after supper, and the bottle went around with an unusual rapidity, untill a round dozen had disappeared. I then thought it was high time to retreat, and with some difficulty slip'd away from those of the company who appeared to be the most inspired, and took a walk with Townsend; it was after one in the morning when we got to my lodgings. After setting there about an hour and smoking a pipe or two, we both went to bed.

30th. Although I had not last night been guilty of an excess so far as to be intoxicated, yet I had not sufficiently consulted what my feelings would be this day to be entirely prudent. I therefore arose this morning with a very disagreeable head-ache, which continued the whole

bodies politic or religious societies shall at all times have the exclusive right of electing their public teachers and contracting with them for their support and maintenance. And all moneys paid by the subject to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends. Otherwise it may be paid toward the support of the teacher or teachers of the parish or precinct in which said moneys are raised." This question arose again in 1796 as to some inhabitants of Newbury who attended church in Newburyport, and it was then settled by a legislative act in their favor. J. J. Currier "Ould Newbury," pp. 508-517; History of Newbury, pp. 381-384; H. C. Hovey, Origin and Annals of the Old South First Presbyterian Church, pp. 32, 33.

¹ John Adams was in London as Minister Plenipotentiary to the Court of St. James.

day. I could neither attend meeting nor read, nor write; and pass'd the day with much tediousness. In the evening, however, I took a walk with Townsend; and, after returning, pass'd an hour at Mr. Tufts's.

Monday, October 1st, 1787.

I have not yet got over the consequences of our frolick on Saturday evening. Three whole evenings I have by this means entirely lost; for I cannot yet write with any comfort. How inseparably in all cases of intemperance is the punishment allied to the fault! Stedman went this day for Portsmouth; will return here to-morrow, and take his final leave on Wednesday. He is going to open an office at Cambridge, where I heartily wish him success. In the afternoon I went with Townsend and Thomson and Little up to Sohier's, and had the usual fare. We return'd leisurely in the evening. I was too much fatigued to write much; having, withal, a little of the head ache. Putnam arrived in town this afternoon, and, I suppose, will enter Mr. Bradbury's office immediately. I shall find, I believe, very much the want of Mr. Parsons's presence, when he goes off. His attendance upon the Gen'l Court will engross his time very much. Next week he will go to Boston, and will be gone, I suppose, nearly two months. There are a thousand questions which I shall want to propose to him, from time to time; but which I shall be reduced to find out by my own industry and what assistance Townsend and Amory can give me.

2d. I have at length recovered my usual tone, and have been able this day to attend to business with as much satisfaction as common. Stedman came back from Portsmouth this afternoon. In the evening I carried a packet of letters to his lodgings for Cambridge. I began to copy off not a small volume of forms for declarations. This is a piece of drudgery which certainly does not carry its reward with it. But it is a necessary piece of work, for which reason I think the sooner it is finished, the better. I was in hopes before I came here, that I should have time for reading books of entertainment; but, after passing eight hours a day in the office, and spending four more in writing minutes and forms at home, I am not husband of time sufficient to set any more apart for any kind of mental application. And indeed if for three years I can proceed with as much industry as I have done since I entered the office, the d—l will be to pay if I have not some stock of law. Health is all I shall ask.

3d. Continued in the first volume of Blackstone. In the course of my reading this day I came across a paragraph which surprized me; it was this:—"It is a principle of *universal law*, that the natural-born subject of one prince, cannot by any act of his own, no, not by swearing allegiance to another, put off or discharge his natural allegiance to the former: for this natural allegiance was intrinsic and primitive, and

antecedent to the other, and cannot be devested without the concurrent act of that prince to whom it was first due." I enquired of Mr. Parsons his opinion upon the subject. He said that if instead of universal law it was *common law*, the assertion would be just; but that, in his opinion, by the law of nature every man had a right to put off his natural allegiance, for good cause. And this I think much more reasonable than to say that a man is obliged to serve and assist his sovereign, however cruel, tyrannical and unjust he may be. The doctrine of Blackstone must, I think, imply that of passive obedience; which is not now to be refuted. It may indeed be said that every unjust act is a tacit consent to the discharge of the subject's allegiance; but this is straining the meaning of words a great length; and I think it is much the best to cut the gordian knot, as Mr. Parsons did.¹ I wrote along in the evening till late.

4th. I this day concluded the first volume of my author; and employ'd all the afternoon in copying from it, under heads. As Parsons goes to Boston next week, and will stay there so long that I shall probably finish the book I am now reading before he returns, I enquired of him, what would be best to take up next. He recommended, Sullivan's lectures,² then Wright's tenures,³ and then Coke-Littleton.⁴ This evening I was at Mr. Tufts's; present at the marriage of his daughter Dolly to Mr. Geo. Odiorne of Exeter.⁵ Mr. Cary perform'd the ceremony. I staid there to supper, but came away soon after that, as I spent my time rather tediously. Mercy Brooks⁶ from Medford was there: she is one of the very few unmarried women with whom I can

¹ See J. Q. Adams, *Memoirs*, vol. iv. pp. 146, 147, for an application of this principle by him, as Secretary of State in President Monroe's Cabinet.

² Francis S. Sullivan (University of Dublin), *Lectures on the Constitution and Laws of England*, etc., London, 1776, 2 vols. — a second edition, revised and enlarged, of a work published in 1770, and entitled "An Historical Treatise on the Feudal Law and the Constitution and Laws of England," etc.

³ Sir Martin Wright, *Introduction to the Law of Tenures*, London, 1730.

⁴ The first edition of Coke's *Commentaries upon Littleton* was published in 1628. Accordingly it had been a legal text-book for one hundred and sixty years at the time of this entry. As the standard elementary treatise in the hands of students of law, the Institutes were not superseded until the publication of Blackstone's *Commentaries* in 1765-1769.

⁵ "Dorothy Tufts, eldest daughter of Dr. Samuel Tufts of Newburyport," born March 22, 1767; married George Odiorne, "engaged in trade" at Exeter, N. H.; died September 8, 1793. Later Odiorne removed to Boston, was a bank president nine years, an alderman in 1823 and 1824; and one of fifteen to assume responsibility for the erection of Park Street Church; died in Malden December 1, 1846. J. C. Odiorne, *Genealogy of the Odiorne Family*, pp. 74-83. "Mr. Samuel Tufts" was on the Committee of Correspondence and Safety appointed in 1774. Hurd, *Hist. of Essex County*, p. 1744.

⁶ Mercy Brooks, born September 3, 1763; married, March 6, 1788, Cotton Tufts, only son of Dr. Cotton Tufts, of Weymouth. See *supra*, p. 295, note 1; Usher, *Hist. of Medford*, pp. 528, 564, 565.

be sociable after a short acquaintance: whether it is owing to some peculiarity of circumstances or of character, I know not; but the fact I am sure of. . . .

5th. After writing a few lines in my common place book, I took the second volume of Blackstone, which treats of the rights of things. I did not read much, and with the extracts which I make I shall not be able to proceed with very rapid progress. Thomson, notwithstanding he keeps schools, holds an equal pace with me. However he reads in the evening, while I am employ'd in copying off the forms. This he has already done, having been more than four months in the office. I dined at Mr. Tufts's. The new married pair appeared quite calm and composed. In the afternoon, before it grew dark, I went down with Thomson, and found Putnam; with him we went to Dr. Swett's and found Little. From thence we retired very abruptly, and went home with Moses. We spent the evening there and supped, after which we all returned respectively to our homes. Here I sat a few minutes with Dr. Kilham, my very worthy fellow boarder, and then retired to my room, where, what with copying forms, and what with relating the business of the day, I have almost brought it to one in the morning.

6th. I alter'd my plans of study, and determined to copy forms in the day time, because I can do it notwithstanding all the noise that may be going forward in the office, and read at my own lodgings. I extract a great deal, and am almost tired with it, but Mr. Parsons advises me by all means not to give it up. In the evening I received a long letter from my sister,¹ and likewise one from W. Cranch.

7th. I attended at Mr. Carey's meeting all day. In the forenoon he was quite severe upon all persons who either did not attend divine services so steadily as they might, or who, being at the house of the Lord, do not behave with proper decorum and respect. No person, said Mr. Carey, who is going into the presence of an earthly prince, will appear in a loose, neglected attire, as it would be considered as a mark of contempt, and as an insult to the dignity of the sovereign. Hence he deduced the necessity of a serious, devout, attentive mind, at times when we go more immediately into the presence of God. His conclusion, were it placed as a distinct proposition, no one I presume would deny; but his perfectly stale and hackney'd allusion is in my opinion not only false, but impious. I would ask Mr. Carey, why it is necessary to appear with such an accurate precision of dress at the Court of an earthly prince? What other cause can be assigned for the impor-

¹ Mrs. Abigail Adams Smith, only sister of J. Q. Adams, two years his senior; born July 14, 1765; married June 12, 1786, Colonel William Stephens Smith, who, a stranger to the family, had been chosen by Congress as Secretary of Legation when John Adams was sent as Minister to England in 1785; she died August 15, 1813. John Adams, Works, vol. iii. p. 398; vol. viii. pp. 229, 423; A. N. Adams, A Genealogical History of Henry Adams, etc., p. 407.

tance of a thing so very indifferent in itself, but the ridiculous vanity and fantastic foppery of the great? It is impossible to deduce an argument from similarity of effect, unless a like similarity of cause exists, and in this case the supposition is not to be made. In short, if our preachers in general would not take so much pains as they do to prove facts which no man in his senses can deny, they would save themselves much exertion of thought, without injuring their reputations. In the evening I went with Dr. Kilham, and past an hour or two at Mr. Carter's; the family are all of them exceedingly agreeable. Miss H. Emery¹ was there, a young lady with a beautiful countenance, an elegant person, and (I am told) an amiable mind. What more could any person wish to find in a female? a fortune?—ah! can a vile metal drag'd by the hands of slavery from the bowels of the earth be put in competition with charms like those? The wretch who could harbour the idea deserves to be barred forever from the pleasures of friendship and of love.

8th. Attended at the office, and wrote diligently all day. Cold weather coming on apace. Thomson and I had some conversation before we left the office at night. He is in low spirits, and sees gloomy prospects. I hope he will realize more happy ones, for he is an amiable, worthy youth, with a clear head and a sound heart. From the office we went to Putnam's lodgings. There Sam and I play'd together, he on the violin, I on the flute, for a couple of hours; after which we sat with him till nine o'clock and then respectively retired. I sought my bed quite early this evening. I cannot study now much in my own room for want of a fire.

9th. I received a short letter from W. Cranch. I make a pretty rapid progress with my book of forms, and, if I am not interrupted, I hope to finish it by the latter end of next week, which will take one heavy load from my shoulders. Putnam came to our office this afternoon; he and Little pass'd the evening with me. I intended to walk with Little, but found it was raining hard. I proceed very slowly with Blackstone.

¹ Hannah Tracy Emery, descended, it is claimed, from Governor Thomas Dudley, belonged to the Newbury branch of the Emery family; born at Exeter, N. H., March 7, 1771. Her father, John Emery, was lost at sea during this year (1787); her grandfather, Noah Emery, for many years clerk of the House of Assembly and of the court in New Hampshire, died the following January (1788). A girl of "sweet sixteen," she was living with her mother in Newburyport. Four years later (November 1, 1791), she married Benjamin Abbot (H. C. 1788), for fifty years principal of Phillips Exeter Academy. She died December 6, 1793, leaving one son, John Emery Abbot (born August 6, 1793, graduated from Bowdoin College in 1810, succeeded Dr. Barnard as pastor of the North Church in Salem in 1815, died unmarried, October 7, 1819; a volume of his sermons has been printed, with a memoir by Dr. Henry Ware, Jr.). Rufus Emery, *Genealogical Records of Descendants of John and Anthony Emery, etc.*, pp. 326, 349, 406; Abiel Abbot, etc., *Register of the Abbot Family*, pp. 4, 5.

10th. A very fine day. Amory and Townsend with a number of other lads went out of town this afternoon upon a party. But I did not feel disposed to join them. Thomson spent part of the evening with me.

11th. This afternoon I took a ride with Dr. Kilham, as far as New-town to see Mr. Dalton, but neither he nor his lady were at home. We rode a mile or two beyond that, and returned just after dark. That road is very good and the prospects all around are very beautiful; but the leaves begin to fall, and the year appears to proceed rapidly on a decline. Amory was with me part of the evening.

12th. The day pass'd as usual, except that I had some political chat with Mr. Parsons. He favours very much the Federal Constitution, which has lately been proposed by the Convention of the States. Nor do I wonder at all that he should approve of it, as it is calculated to increase the influence, power and wealth of those who have any already. If the Constitution be adopted it will be a grand point gained in favour of the aristocratic party. There are to be no titles of nobility; but there will be great distinctions, and those distinctions will soon be hereditary, and we shall consequently have nobles, but no titles. For my own part I am willing to take my chance under any government whatever; but it is hard to give up a system which I have always been taught to cherish, and to confess that a free government is inconsistent with human nature.

13th. Captain Wyer¹ was in the office this afternoon, a couple of hours; very zealous for the new Constitution. Was desirous of having a town-meeting to instruct their representatives upon the occasion; quite enthusiastic, and so are many other people. This afternoon I went, and requested the favor of waiting upon Miss Jones to the ball next Monday; she will go if her health will permit. Little pass'd the evening with me. There was a very brilliant northern light.

14th. I wrote two long letters this day. One to J. Forbes, and the other to W. Cranch. Went with Putnam in the afternoon to Mr. Tucker's meeting; and was much pleased with the doctor's preaching. Putnam spent an hour or two with me after meeting.

15th. Rather dissipated the whole day. Could not study with proper attention, and indeed gave the matter up in the afternoon. At about seven o'clock we met at the dancing hall, and from that time till between three and four in the morning we were continually dancing. I was unacquainted with almost all the company; but I never saw a collection of ladies where there was comparatively so much beauty. Two or three gentlemen got rather over the bay; but upon the whole

¹ Presumably Captain William Wyer, a shipmaster, — one of the six founders of the Marine Society of Newburyport in 1772 to promote the shipping interests and to assist needy shipmasters; died August 14, 1810, aged seventy-five. Hurd, *Hist. of Essex County*, p. 1751; Currier, "Ould Newbury," p. 710.

the proceedings were as regular and agreeable as might be expected. Little lodg'd with me, and the clock struck four just before we went to bed.

16th. We rose at about nine o'clock. Dr. Kilham was just going to take his seat in the stage for Boston. The Dr. represents this town in the Gen'l Court and goes to Boston now to attend at the session, which opens to-morrow. I was at the office in the forenoon, but could not attend much to any study. I took a walk with Townsend. Return'd again to the office, and, just as I had got ready to sit down to business, in came W. Cranch and Leonard White from Haverhill, who insisted upon it that I should go there with them this afternoon; and in such a positive manner that I could not deny them. They dined with me at my lodgings, and, at about four in the afternoon, we all mounted our horses for Haverhill. The wind was very high, and scattered the dust so much that the riding was very disagreeable. We drank tea at Russell's and were almost half an hour crossing the river, though the wind had considerably abated. At about seven we got to Mr. Shaw's house. Miss N. Quincy and Miss B. Cranch¹ came in from Mr. Duncan's soon after. Mr. James Duncan² invited W. Cranch and me to dine with him to-morrow. The troop of horse of which he is 1st lieutenant are to parade in the morning, and he makes an entertainment for them. It was past eleven this evening when we retired.

17th. This day a regiment of foot and a troop of about sixty horsemen paraded and were review'd by Gen'l Titcomb.³ The weather was

¹ Elizabeth Cranch, cousin of J. Q. Adams, daughter of Richard and Mary (Smith) Cranch, of Braintree; baptized November 27, 1763; married, February 11, 1789, Rev. Jacob Norton, of Weymouth (see *infra*, p. 412); died January 25, 1811. Nash, *Hist. Sketch of Weymouth*, p. 171.

² James Duncan, Jr., brother-in-law of John Thaxter, First Lieutenant of the Second Troop of Horse in Essex County; in business with his father James Duncan; became one of the leading merchants of Haverhill. He established a store, potash-works, and a mill for grinding flaxseed at Lebanon, N. H., and it is said that in a period of twenty-six months he sent thither by ox teams for the country trade ninety thousand dollars worth of goods. He died in 1822, when over sixty years of age; his wife was Rebecca White. Chase, *Hist. of Haverhill*, pp. 452, 628; Hurd, *Hist. of Essex County*, pp. xlv, 2003; Fleet's *Almanack for 1788*.

³ Jonathan Titcomb, Major-General of the militia of Essex County; in 1787 a man of about sixty; prominent in town and State during the War of the Revolution; selectman 1773-1775, 1777-1778, 1780, 1786, 1788; moderator of town-meetings 1778, 1779, 1781, 1786, 1787; Representative in the General Court 1778-1783, 1786; delegate to the State Constitutional Convention in 1780, and to the Convention that ratified the Constitution of the United States; his military experience had been gained in the militia and as colonel of a regiment in the brief campaigns of 1777, 1778 under General Sullivan in Rhode Island. Hurd, *Hist. of Essex County*, pp. 1739-1741, 1753. In 1789 General Washington appointed him naval officer of the district of Newburyport; he died March 10, 1817.

rather disagreeable, though not so windy as it was yesterday. One of the foot companies was drest in the rifle uniform; that of the horse was red faced with green. The horses in general were good, but the company has not been formed long, and are not yet perfect in their exercises. We dined at Mr. Duncan's. I chatted with Mr. Symmes upon the new Constitution. We did not agree upon the subject. While we were talking Mr. Bartlett came in, and was beginning to attack me. I told him I wish'd to change the subject, as I felt utterly unequal to the task of opposing two persons of whose judgment I had so high an opinion as Mr. Symmes and Mr. Bartlett. Bartlett laugh'd and said I was very polite. "Adams," says Symmes, "you shall go home with me, and take a bed to-night";—and I found that France is not the only country where *Yorick's secret* has its influence.¹ We walk'd up the hill where the regiment was parading in the afternoon; but the weather was so cold that I return'd back some time before they finish'd. The General was drest and mounted rather shabbily: he has never been employed in military life; and nobody knows how he came to be a major-general. Pass'd part of the evening at Mr. White's; found Mr. Allen² and Mr. Tucker at Mr. Shaw's: they staid till about nine o'clock, and then return'd to Bradford.

18th. We dined this day at Mr. Bartlett's. Captain Wier was there and Miss S. McKinstry,³ who is upon the point of being married to Major Starke,⁴ and Miss Barrell, a young lady from Boston whose countenance indicates misfortune. She had a lover, who forsook her upon discovering that she had not a fortune, as he had expected. Townsend came into town yesterday with Miss P. Greenleaf, and return'd this afternoon to Newbury. The young ladies drank tea at Judge Sargeant's. I spent the evening till between eight and nine o'clock at Mr. White's. I had in the course of the day, and have had

¹ The allusion is to the two chapters in the second volume of Sterne's "Sentimental Journey," entitled "The Riddle" and "The Riddle Explained." "I stepped hastily after him: it was the very man whose success in asking charity of the woman before the door of the hotel had so puzzled me,—and I found at once his secret, or at least the basis of it:—it was flattery."

² Rev. Jonathan Allen (H. C. 1774), born in Braintree February 16, 1748-9; ordained at Bradford June 5, 1781; died March 6, 1827. J. D. Kingsbury, Memorial Hist. of Bradford, pp. 106-117.

³ Sarah McKinstry, daughter of Dr. William McKinstry, surgeon-general of the British hospitals at Boston in 1776, formerly of Taunton; married Major Stark in 1787; died September 11, 1839, aged seventy-two.

⁴ Major Caleb Stark, eldest son of Major-General John Stark, then (1787) twenty-eight years of age and a merchant in Haverhill. Running away from home when a lad of fifteen, he joined his father in the army on the eve of the Battle of Bunker Hill, and served throughout the War of Independence. See C. Stark, *Memoir and Official Correspondence of General John Stark*, pp. 344-371; Appleton, *Cyclopædia of American Biography*.

every day since I came here, a great deal of conversation with Mr. Shaw concerning S. W., who still persists in declaring himself innocent, though every one who is acquainted with the circumstances must be as fully convinced of his guilt, as if he had seen him do the deed himself. Mr. Shaw was much afflicted. He had great expectations from W., who had been his pupil, and whose reputation would in some measure have reflected honour upon his instructor; but "how art thou fallen, Lucifer, son of the morning!"

19th. W. Cranch and the two young ladies set off this morning for Boston. The weather is much milder for them than it has been for several days past. I spent the forenoon with Mr. Thaxter at his office. He is to be published next Sunday. Dined at Mr. Shaw's. Just after dinner Mrs. Allen¹ came in from Bradford, and inform'd us of Deacon Smith's death.² He died on Tuesday morning. The news came by Dr. Williams, who lodg'd at Bradford last night. Between three and four I set out to return home, and overtook F. Bradbury³ and Winslow in a chaise going the same way. At about half past five I got home; and went and pass'd the evening with Townsend. Amory is quite unwell; return'd this day from Portsmouth.

20th. I was more attentive at the office than I expected to be between two follies. I had determined before I went to Haverhill, not to go so far as Boston till the spring; but I have now altered my resolutions, and shall go from hence next Monday, for a fortnight. This is not the way to acquire the science of the law, but dissipation is so fashionable here that it is necessary to enter into it a little in order not to appear too singular; and as Mr. Parsons will probably be absent for three weeks to come, I know not that I can take a more eligible time for a vacation.

21st. I attended Mr. Carey in the forenoon, and went with Putnam to hear Dr. Tucker⁴ in the afternoon. He is a very good preacher,

¹ Wife of Rev. Jonathan Allen, of Bradford.

² Isaac Smith, born in Charlestown July, 1719; married Elizabeth Storer October 9, 1746; a merchant in Boston; died October 16, 1787. He was a brother of Rev. Wm. Smith, of Weymouth, an uncle of Mrs. Abigail Adams, father of Isaac Smith (*supra*, p. 305) and of William Smith (*supra*, p. 317, note 3).

³ Francis Bradbury, second son of Hon. Theophilus Bradbury, of Newburyport; born 1766; died 1837; married October 6, 1803, Hannah Jones Spooner, of Dorchester. W. B. Lapham, Bradbury Memorial, pp. 89, 118, 119.

⁴ Rev. John Tucker (H. C. 1741), at this time nearly seventy years of age, had been pastor of the First Parish in Newbury forty-two years. He received the degree of S. T. D. from Harvard College a few months before. Born in Amesbury; settled at Newbury in November, 1745; died March 22, 1792. On his installation some of the parish, thinking him inclined to Arminianism, withdrew and formed the First Presbyterian Church in Newburyport. He engaged in many sharp doctrinal controversies with the neighboring ministers. See Appleton's American Biography for a list of his sermons in print; J. J. Currier, Hist. of Newbury, pp. 339-344; etc.

but the generality of his hearers look as if they were form'd of the coarsest clay. A number of female figures in particular seem to charge nature with having made gross mistakes. I passed the evening till almost nine o'clock with Putnam. Townsend took me from there and carried me volens nolens to sup with him. I intended to have written a great deal this day, but all my schemes vanished with the fleeting hours, and I must now refer this matter till I return from my intended journey.

22d. The weather yesterday did not look promising, but is this day very clear, and for the season uncommonly warm. At about half past nine I mounted my horse, and Townsend said he would take an airing and ride a few miles with me. The pleasantness of the weather led him on till he finally agreed to go as far as Haverhill, intending to return in the afternoon. We rode part of the way with Sohier, the collegian, who was on his way to Groton; and we got to Haverhill just before twelve o'clock. I found Mr. and Mrs. Shaw had set out this morning for Hingham. At twelve we went to Mr. Thaxter's lodgings, and found fifty or sixty people heartily at work, in which we very readily joined them. At about two, there were eighteen or twenty left who sat down to a table covered with "big bellied" bottles. For two hours or more Bacchus and Momus joined hands to increase the festivity of the company; but the former of these deities then of a sudden took a fancy to divert himself, and fell to tripping up their heels. Momus laugh'd on, and kept singing till he finally grew hoarse and drowsy; and Morpheus, to close the scene, sprinkled a few poppies over their heads, and set them to snoring in concert. This is, I believe, the first time that I have dived any depth into the pagan mythology since I undertook the direction of these very interesting memoirs. I have always had the precept of Horace in my mind,

Nec Deus intersit, nisi dignus vindice nodus,¹

and I trust the gentle reader will not think I have in this instance violated that rule. But to return to plain insipid narration, by five o'clock they were all under the table, except those who had been peculiarly cautious and two or three stout toppers. I had been very moderate, yet felt it was necessary to walk and take the air. I rambled with Leonard White, over the fields, and through the streets till near seven o'clock. Then went home with him, and, after passing a couple of hours in chat, retired quite early to bed.

23d. Rose at about eight this morning, and felt no inconveniency from the scene of yesterday. Townsend, who got so much engaged as to give up all thoughts of returning last night to Newbury-Port, breakfasted with us this morning; and then mounted his horse. It was a

¹ De Arte Poetica, line 191.

little after nine when I started from the opposite shore of the river, and it was about twelve when I got to the tavern in Wilmington. Mr. Thaxter, and Miss Duncan, and her brother James, a Mr. Howe, and two or three other ladies dined at Wilmington. The landlord is opposed to the proposed Constitution. I stopped about a quarter of an hour at Medford to see my friend Freeman, and delivered him a couple of letters. I expected to have seen him at the ordination to-morrow; but his school retains him at Medford. We got into Boston just before sunset. We stopp'd an hour there to get dress'd, and take a dish of coffee. It was quite dark before we got out of town; and we arrived at Braintree between eight and nine. We found that the young ladies and all the company that was disposed to attend the ordination had gone to Hingham this afternoon. I was very much fatigued. I once before rode this journey in a day; (v: p. 25) and was still more fatigued; but that was in the middle of summer, when the weather was very warm, which made it more tedious to ride on horseback. Kirkland¹ and my brother Tom were both here, and could not go on to Hingham for want of horses. It was almost eleven before we retired.

24th. At about ten this morning I set off for Hingham. Mr. Thaxter and Miss Duncan went somewhat earlier. I got there between eleven and twelve, and went immediately to the meeting house.² It was very much crowded, and I found great difficulty to get in. I finally obtained however a very good place. They began by singing a good anthem extremely well. The first prayer was made by Mr. [blank] Mr. Hilliard³ then preach'd a sermon from II. Corinthians, I. 24:—Not that we have dominion over your faith, but are helpers of your joy. He delivered his sentiments very freely, though many of them were in opposition to the prevailing customs. It was the best sermon I ever heard him preach, and upon this occasion it was natural that he should exert himself. Mr.⁴ [blank] gave the charge; Dr.

¹ John Thornton Kirkland, President of Harvard University, 1810-1828; then (1787) a Junior in college. See J. Q. Adams, *Memoirs*, vol. vii. pp. 134, 135, for a reference to the sermons preached by Dr. Kirkland at Quincy in memory of John Adams (and of Abigail Adams); see also *American Academy Memoirs*, n. s. v. i. (1833), pp. iii-xxxi, for a Discourse in commemoration of J. Adams and T. Jefferson, October 30, 1826.

² The celebrated "Old Ship" meeting-house was already, in 1788, over a hundred years old.

³ Rev. Henry Ware had studied theology under Rev. Timothy Hilliard, of Cambridge. Sermon printed in pamphlet form, Salem, 1788; Cambridge, 1828.

⁴ The charge was given by the Rev. John Brown, of Cohasset (H. C. 1741), son of Rev. John Brown, of Haverhill, born March 9, 1723; pastor at Cohasset September 2, 1747, till his death, October 22, 1791. See "A Sermon preached October 24 1787 at the Ordination of the Rev. Henry Ware . . . by Timothy Hilliard, A.M. . . ." (Salem, 1788), p. 26, for the charge; pp. 27, 28 for the right hand of fellowship. Cohasset was the Second Parish in Hingham until 1770.

Hitchcock¹ made the ordaining prayer; Mr. Shute² gave the right hand of fellowship, and Mr. Haven³ made the last prayer; the ceremonies were then concluded by another anthem as well perform'd as the first. From thence the company retired. I went to pay my compliments to Mr. Ware, my old chum;⁴ and to tell him how happy I am to see him so well settled already. I intended to dine there, but was called away with Mr. Gannett by Mr. Caleb Thaxter,⁵ where we went and dined. There were between thirty and forty persons at table, but chiefly young gentlemen. After dinner we had two or three songs, and then walk'd. We went to Col^l Rice's,⁶ where we found a similar company, smoking and singing. We rambled about till almost seven o'clock; and I then went to Mrs. Derby's hall, where, it was said, there was to be a dance. We found here a scene of confusion similar to that which we had last spring at Sandwich. However, by a manœuvre which pack'd off about one half of the company, our numbers were so much reduced that we were able to maintain a degree of order and regularity. I was so lucky as to draw Miss S. Smith of Sandwich for a partner, and danced with her a great part of the evening. It was

Hist. of Hingham, vol. i. part ii. pp. 39, 40; Hurd, Hist. of Norfolk County, p. 233; Jacob Flint, Two Discourses, containing the History of the Church and Society in Cohasset, delivered December 16, 1821, etc.

¹ Rev. Gad Hitchcock (H. C. 1743), pastor of the Second Parish in Pembroke, now Hanson, 1748-1803. Born February 12, 1718-19, in Springfield; a chaplain occasionally during the War of the Revolution; member of the State Constitutional Convention of 1780; incapacitated by paralysis July, 1799; died August, 1803; he is remembered as a man of jovial disposition, as well as a vigorous preacher. See his Election Sermon, 1774. See also Sprague, *Annals of the American Pulpit*, vol. viii. pp. 29-31.

² Rev. Daniel Shute (H. C. 1743), pastor of the Second Church in Hingham 1746-1802. Born July 19, 1722, in Malden; in 1758 chaplain of a regiment for Canada; 1780 delegate to the State Constitutional Convention; 1788 delegate with General Benjamin Lincoln to the Convention which ratified the Constitution of the United States; a colleague settled in 1799; died August 30, 1802. See speech in Convention against requiring a religious test as a qualification for office. Elliot, *Debates*, vol. ii. pp. 118, 119; Hist. of Hingham, vol. i. part ii. pp. 27, 41.

³ Rev. Jason Haven (H. C. 1754), pastor at Dedham 1756-1803. Born March 2, 1732-3 in Framingham; died May 17, 1803; member of State Constitutional Convention of 1780; Sprague, *Annals of American Pulpit*, vol. i. pp. 557-559.

⁴ H. Adams, *Historical Essays*, p. 86 ("Harvard College, 1786-1787").

⁵ Caleb Thaxter, a bachelor of thirty-six, cousin of J. Q. Adams's tutor and kinsman, John Thaxter. Born in Hingham April 18, 1751; he died November 12, 1828, unmarried. Hist. of Hingham, vol. i. part i. pp. 269, 270; vol. iii. p. 233.

⁶ Colonel Nathan Rice (H. C. 1773), in 1787 about thirty-three years of age, son of Rev. Nathan Rice, of Sturbridge; a law student with John Adams; an aide to General Lincoln in the War of the Revolution; engaged in trade 1783-1798; represented Hingham in the General Court 1801-1805; removed to Burlington, Vt., in 1811; died April, 1834. Hist. of Hingham, vol. iii. p. 129; G. Davis, *Hist. Sketch of Sturbridge and Southbridge*, pp. 62-64; *Works of John Adams*, vol. ix. pp. 408, 411.

between two and three in the morning before we broke up. I then went to Col^l Thaxter's,¹ supp'd, and, at about half after three, went to bed with Charles.

25th. The town is not so much crowded this day, as it was yesterday. That class of people which is called by some persons the *rabble*, (by which word is meant people who have neither a fortune nor an education at our university, *alias* a liberal education) went off chiefly last night; and there now remains nothing but the *genteel* company, or otherwise people who have no business to call them from scenes of dissipation. I walk'd in the morning with Mr. Ware and Col^l Rice down to the landing place, where I found a number of people employ'd in preparing fish. There is some little business of this kind done here. After returning into town I saunter'd about till dinner time. Foster,² Learned,³

¹ Colonel John Thaxter (H. C. 1741), farmer and colonel of a regiment, town treasurer for many years; born in Hingham November 22, 1721; married, February 24, 1743-4, Anna Quincy, daughter of Colonel John Quincy, great-grandfather of J. Q. Adams; died October 6, 1802. John Thaxter, J. Q. Adams's tutor, was his son. Hist. of Hingham, vol. iii. p. 232.

² "Bossenger Foster of Boston was nineteen the 9th of last December. Of him I can say but little; he is a very good speaker, and has a good natural genius, but has not been very assiduous in improving the talents entrusted to him by nature. His conversation and manners are often puerile, and very seldom show him to great advantage. His chief excellency lies in declaiming an elegant piece of composition, and in playing on the violin; in these particulars there is not, perhaps, his superior in College. He is remarked by some, as being of a narrow disposition; but this stigma is cast by certain characters upon every person who keeps within the bounds of common frugality; and, if this were Foster's only fault, I should set him down as an excellent character." J. Q. Adams, March 29, 1787. Born December 9, 1767; a classmate of J. Q. Adams; entered the law office of Theophilus Parsons in 1788; lived later in Cambridge; died January 17, 1816, unmarried. His father, Bossenger Foster, moved to Cambridge and lived in the "Batchelder house" opposite St. John's Church. Andrew Craigie was his maternal uncle. See F. C. Pierce, Foster Genealogy (1899), pp. 936, 937.

³ "Ebenezer Learned of Medford, Middlesex Co., will be twenty-five the 30th of next Oct^r. Without possessing a superior genius, by mere dint of application he has become a respectable scholar; his mind is perhaps more attentive to matters of small moment than is necessary. He has candour enough to confess himself envious, but says he cannot help it. He appears to be sensible that his abilities are not of the first rate, yet he acknowledges that his soul is tortured with ambition. I would not give a fig for life, said he, one day to me, if I could but plant immortality upon Ebenezer Learned. There is not at present any prospect that his name will obtain immortality; but he intends to be a preacher, when he may comfort himself with the idea that his soul must be immortal. He was, as he says himself, too old when he entered the University. From fourteen to eighteen I should suppose the best age for entering. The studies which are pursued here are just calculated for the tender minds of youth; but the degree of liberty that is enjoy'd renders it dangerous to young persons, before they have acquired a certain degree of judgment." J. Q. Adams, diary, May 7, 1787. Learned (H. C. 1787), chose the medical profession; studied under Dr. Holyoke, of Salem, and settled in Hopkinton, N. H., about 1790, being the first educated physician in the town.

and Vose with his sisters¹ went away before dinner. Dined at Col^d Rice's. The company was not large; the character that I remarked the most was a Captain Clap, who is all soldier. He appears to delight in whatever is military; Col^d Rice's son, a lad of seven years old, committed some little impropriety; "you rogue," says Clap, "nothing but your age can excuse and protect you." Who but a genuine son of Mars would have thought of correcting, in that manner, a boy of seven years? It was proposed that we should have another dance this night, and Blake and Perkins, a couple of young fellows, both strangers in town, undertook to be managers. We drank tea, a number of us, at Mr. Caleb Thaxter's, and, at about seven, went again to Mrs. Derby's hall, where a partition between two chambers had been taken down, which made it much more convenient than it was the night before. There were about thirty gentlemen and forty ladies; about twenty couple could stand up at once, and the rest amused themselves either with conversation, or with playing at cards. Between two and three we broke up, and I retired with our young ladies. We sat about half an hour at Col^d Thaxter's, and I then went to bed. But a number of the lads, after conducting their ladies home, retained the music, and went a serenading all over the town till day-light.

26th. We went and escorted a number of ladies to the packet;² and by eleven o'clock almost all the company was gone, and the town look'd as solitary as a deserted village. I took a walk with Mr. Q. Thaxter³ and Mr. Andrews down to Gen^d Lincoln's Mills.⁴ It was half past twelve before I got back to Mr. Thaxter's. Of all the company that had been there Charles and I only remained at dinner. At about two we mounted, and arrived at Mr. Cranch's in Braintree at about half

He was the first President of the Merrimack County Agricultural Society, founder of the Hopkinton Academy in 1827, Vice-President of the State Medical Society, first Delegate of the New Hampshire Medical Society to Dartmouth; died October 6, 1831.

¹ Solomon Vose (H. C. 1787), classmate of J. Q. Adams, but not accounted one of his friends; son of General Joseph Vose; born in Milton February 22, 1768; went to Charleston, S. C., as a trader; studied law under Levi Lincoln, senior, at Worcester; practised law at Northfield, Mass.; was the first postmaster there, and a Representative to the General Court; removed to Augusta, Me., in 1805; died of apoplexy in 1809. In 1787 he had five sisters between the ages of eighteen and twenty-five—all apparently as yet unmarried—Sarah, Margaret, Dolly and Nancy (twins), and Naomi. Milton Records, Births, Marriages, and Deaths, 1662–1843, pp. 72, etc.; A. K. Teele, *Hist. of Milton*, p. 511; J. W. North, *Hist. of Augusta, Me.*, pp. 386, 387, 948.

² The communication between Hingham and Boston was then by water, across Boston bay.

³ Quincy Thaxter, brother of John Thaxter (former tutor of J. Q. Adams); born March 28, 1762; married August 27, 1786, Elizabeth Cushing; died October 9, 1837; a farmer. *Hist. of Hingham*, vol. iii. p. 235.

⁴ A flour and grain mill on Weir River, belonging to General Benjamin Lincoln.

after three. The young ladies had got home before dinner, and were much fatigued. I was not so much so as I expected to be, from keeping so constantly on the go since the beginning of the week. In the beginning of the evening Judge Sargeant came in; he came from Taunton where the Supreme Court have been sitting this week, and completed their business last evening.

27th. Judge Sargeant, went away this forenoon proceeding on his way to Cambridge. Tom went to Lincoln. In the afternoon, I went with Charles and Kirkland to see my uncle Quincy.¹ Mr. Wibird was here in the evening.

28th. I attended upon Mr. Wibird in the forenoon; and pass'd the afternoon down at my father's library.² W. Cranch came from Boston last evening, and returned there to-night after meeting. I was very much entertained in reading some journals of my father's, from 1769 to 1776.³

29th. At about 10 o'clock Mr. Thaxter came in from Hingham on his way to Boston. He stay'd but a few minutes, and I set off with him. We got into town before one. I dined with Miss B. Smith,⁴ who still lives in the house that was her father's. Mrs. Cranch was there, and went for Braintree soon after dinner. I went and spent the evening with Dr. Kilham at his lodgings. He has made himself rather unpopular, by opposing the submission of the Federal Constitution to a State Convention; and I think he is perfectly right in preferring his independency to his popularity.

30th. Sauntered about town the chief part of the day. Attended in the gallery of the House of Representatives, but there was no matter of any great importance before them. Dined at Deacon Storer's⁵ with Mr. Thaxter, who is very busy in making preparations for his marriage.

¹ Norton Quincy (H. C. 1736), son of Colonel John Quincy; uncle of Mrs. Abigail Adams; was in close harmony with John Adams at the outbreak of the Revolutionary troubles, presided over the Braintree Stamp Act meeting which adopted John Adams's resolutions; served with him as selectman in 1766; headed the committee of correspondence appointed by the town in 1774, etc.; died 1801. He lived on Mount Wollaston. C. F. Adams, *Three Episodes of Massachusetts History*, pp. 839, 846, 850, 868.

² In the house still standing, at Penn's Hill, Quincy.

³ Subsequently published. See *Life and Works of John Adams*, vol. ii. pp. 216-433.

⁴ Elizabeth (Betsey) Smith, daughter of Deacon Isaac Smith, who died October 16, 1787; born January 30, 1770.

⁵ Ebenezer Storer, merchant on Sudbury Street; treasurer of Harvard College 1777-1807; for a time a deacon of the Brattle Square Church, and the title clung to him. Baptized February 1, 1730, he died January 6, 1807, aged seventy-seven. Apparently he was the uncle of William Smith, who married Hannah Carter, of Newburyport. Records of the Church in Brattle Square (1902), pp. 39, 117, 152, 279, etc.; Fleet's *Almanack* for 1787; Boston Directory for 1789.

I drank tea at Mr. Dawes's, and pass'd the evening at Mr. Foster's with Dr. Tufts. Lodg'd at Mr. W. Smith's.

31st. Saw Charles in Boston, on his way to Cambridge, as the vacation closes this day. At about noon I set out for Cambridge myself. The Supreme Court sits there this week. I dined and lodg'd at Judge Dana's. I attended the Court in the afternoon, but no case came on of any consequence. Saw Stedman there. He has not yet opened an office, but proposes to do so very soon. The House of Representatives this day rejected a report of a Committee for erecting a bridge over Beverly ferry.¹ In the evening I called at Mr. Wigglesworth's and passed an hour: Peggy is as sociable and agreeable as ever.

Here endeth the second Volume.

1787.

Thursday, November 1st 1787.

I attended in the morning and in the afternoon at the setting of the Supreme Court. Judge Dana took his seat for the first time since his illness, from which he has not yet, and I fear never will entirely recover. I dined at his house, and pass'd the evening with my old classmate Sam^l Williams.² The cases before the Court were not very interesting, except one which was so intricate that I could not entirely comprehend it. Sullivan and Lowell spent their lungs for three or four hours upon the cause, and it was eight in the evening before it was given to the jury. Sullivan asserted that in the Courts in this country it was customary to take parol evidence, in preference to matter of record. This bare-faced falshood was noticed by all the Court. Sumner³ shook his head. "You are totally mistaken, Mr. Sullivan," said Cushing.⁴ "They have done so," said Sullivan. "Then," said Sewall,⁵ "I hope they will never do so again." This is

¹ In 1788 the Essex Bridge was built over Beverly ferry, connecting Salem with Beverly; the first stroke struck May 1; formally opened for traffic September 24. This, with the Charles River and Malden bridges, was the pride of Massachusetts; "for magnitude," the "Centinel" asserted, "not equalled by anything of the kind in America." *Massachusetts Centinel*, September 10 and 24, 1788.

² Samuel Williams, son of Rev. Samuel Williams, Hollis Professor of Mathematics at Harvard 1780-1788; born October 6, 1770; died March 1, 1808.

³ Increase Sumner (H. C. 1767), Justice of the Supreme Court 1782-1797; Governor of Massachusetts 1797-1799; law student under Samuel Adams.

⁴ William Cushing, Chief Justice of the Supreme Court; appointed a Justice before the War of Independence, succeeding his father and his grandfather; 1789 resigned to accept appointment to Supreme Court of the United States. John Adams was nominated to the position of Chief Justice, but never qualified. See letter from John Adams to William Cushing, June 9, 1776. John Adams, *Works*, vol. ix. pp. 390-392; J. Q. Adams, *Memoirs*, vol. vii. p. 136.

⁵ David Sewall (H. C. 1755), of York, Maine; classmate of John Adams; Justice of the Supreme Court of Massachusetts 1777-1789; United States Judge

not an uncommon practice of Sullivan's; and when the whole Court are thus loudly against him he does not appear in the least abashed, but appears to display a countenance which never knew a blush. I lodg'd at Packard's chamber.

2d. I breakfasted this morning with Stedman. A number of the lawyers were there; rather nettled at a bill now before the Senate, for the better regulating the fees, &c., of attorneys and practitioners. The Committee by whom it was drawn up and presented, was composed of those persons who for these two years past have been the most violent of the community, in their antipathy to lawyers — blessed times!¹ I was so much engag'd this forenoon in other matters that

of the District of Maine 1789-1818. See John Adams, Works, vol. ii. pp. 241-244, vol. ix. pp. 627-629, vol. x. p. 399; Proceedings Mass. Hist. Soc., vol. i. pp. 389, 390.

¹ This entry has an historical significance. In 1788 the legal calling was, not without cause, looked upon in Massachusetts with much popular disfavor. The country was very poor, the people in debt, and the currency disordered. Paper money was wholly discredited, and there was little silver in circulation. "The sufferings of the debtors in Massachusetts, especially in its central and western counties [were] embittered by the devices of attorneys to increase their own emoluments, and aggrieved by the barbarous laws of that day which doomed the debtor, however innocent, to imprisonment at the caprice of his creditor." Bancroft, History of the Formation of the Constitution, vol. i. p. 274. See also paper of John Noble in Proceedings of the American Antiquarian Society for October, 1902. This condition of affairs had led to the uprising in the autumn of 1786. So great was the popular discontent at the time, and so odious had lawyers become, that at a town meeting held at Braintree, where J. Q. Adams lived, on the 25th of September, 1786, its representative to the General Court was instructed as follows:—

"6thly. We humbly request that there may be such Laws compiled as may crush or at least put a proper check or restraint on that order of Gentlemen denominated Lawyers the completion of whose modern conduct appears to us to tend rather to the destruction than the preservation of this Commonwealth."

"8thly. That Real and Personal Estate be a tender for all debts when call'd for, provided the Interest be punctually paid."

Some six months later, and under these circumstances, Mr. Adams, then a member of the Senior class at Harvard, was assigned, as a part at the spring exhibition, "a conference in English, upon the comparative utility of Law, Physic, and Divinity." He was to advocate Law; his classmates Moses Little and Nathaniel Freeman spoke for Physics and Divinity. The following entries in Mr. Adams's diary relate to the subject:—

"March 14th. Was employ'd almost all day in thinking upon the subject of my conference; wrote a few lines, with much difficulty. Did not like the subject. Wished the conference to the devil.

"March 15th. All day, engaged again in writing my part of the conference; I do not know that I ever found so much difficulty to write upon any subject. Little and Freeman are not much better pleased. In the night, however, between twelve and two o'clock, I began to have something like a flow of ideas; I wrote more than I had done in two whole days."

The opening paragraph of his conference indicates the causes of his "difficulty," and also the popular feeling toward lawyers:—

I could not attend at the Court. I called at Mr. Dana's and at Mr. Wigglesworth's,¹ and took their letters for Newbury-Port. Dined at Mr^s Forbes's. Jack,² and his brother James,³ arrived from Boston just

"At a time when the profession of the Law, labours under the heavy weight of popular indignation; when it is upbraided as the original cause of all the evils with which the Commonwealth is distressed; when the legislature have been publicly exhorted by a popular writer to abolish it entirely, and when the mere title of lawyer is sufficient to deprive a man of the public confidence, it should seem this profession would afford but a poor subject for panegyric: but its real utility is not to be determined by the short-lived frenzy of an inconsiderate multitude, nor by the artful misrepresentations of an insidious writer. With this consideration I shall rely upon the candor of the audience, without being terrified by the prevailing prejudice of the day."

November 4, 1785, "An act regulating the admission of attorneys" forbade the employment of more than two lawyers on either side in any suit. November 15, 1786, an "Act for rendering processes in law less expensive" limited the number to one on either side "in any cause before the Court of Common Pleas."

But the people wished further restrictions, and on Thursday, October 18, 1787, it was ordered in the House of Representatives that "Dr. Holton, Mr. White & Mr. Dawes, be a committee to revise the laws for rendering processes in law less expensive and report such alterations as may be necessary to be made therein." (MS. Journal of the House, p. 155.) And five days later the Senate took action: "The Hon. Peter Coffin, Esq. bro't down the following order, viz: In Senate, Oct. 23, 1787, Ordered that Aaron Wood & Benj'n Austin, Junior, Esq's, with such as the Hon. House may join, be a committee to bring in a bill for regulating the practice of the law in this Commonwealth & for establishing fees for attorneys, practitioners & witnesses." The House concurred at once and appointed Mr. Carnes, Dr. Coney and Mr. Clarke. (House MS. Journal, p. 173, October 23, 1787.)

On Wednesday, October 31, a bill for this purpose was considered in the Senate, and the second reading was assigned for Thursday at 10 o'clock, the day before that on which J. Q. Adams breakfasted with Stedman (MS. Journal of the Senate, p. 183). There is no record that it came up on the date assigned; but, on Tuesday, November 6, it was negatived in the Senate, and notice to that effect was sent to the House.

In the issue of the "Massachusetts Centinel" for Wednesday, November 21, 1787, a similar action by the House is recorded as follows: —

"Last evening a bill for regulating the practice of the law, was debated and finally rejected in the House of Representatives — although Mr. Carnes, in a lengthy speech — Did a tale unfold — (Whose lightest word would harrow up the soul) of Lawyer's impositions, charges, fees, enough to make the hair to stand on end, like quills upon the fretful Porcupine."

¹ Colonel Edward Wigglesworth, of Newburyport, was a cousin of Professor Edward Wigglesworth, of Cambridge. They were grandsons of the author of "The Day of Doom."

² John Murray Forbes, classmate of J. Q. Adams. Under date of March 28, 1787, J. Q. Adams wrote: "John Forbes of Cambridge was fifteen the 13th of last August. He is the youngest person in the class, and his entering the university at so early a period has been an essential injury to him. By being left so much

³ James Grant Forbes, an elder brother of John Murray Forbes; born November 22, 1769; commissioned Lieutenant-Colonel of the Forty-Second Infantry,

before dinner. It was almost five o'clock, when I got on my horse, and took leave of Forbes and Packard. Just after dusk, I got into Boston.

to his own direction at twelve years of age, he acquired habits of indolence and idleness which are not easily shaken off. He has an uncommon share of wit and an extraordinary memory; but he has not sufficiently learnt to respect himself. As he has always found his fellow students ready to laugh at his satirical wit, he has acquired a great degree of impudence, and rather than miss a joke fills his conversation frequently with the most low lived scurrility. As he seldom loses much of his time in thinking, he is not sensible that the very persons who applaud his satire despise the speaker, or that the reason why no notice is taken of his insults [is] because he is supposed to have no meaning in what he says. His mind like the sand will receive any impression, and the impression will last about as long. All these foibles however may be attributed to his youth, and it is to be hoped a few years of experience will correct them; he is always good-natured, and has a great deal of sensibility, with an excellent genius which wants nothing but cultivation to make it flourish among the first. I have been intimate with him since I entered College and have always endeavoured to retain the same sentiments concerning him, though his friendship for me appears to ebb and flow as frequently as the tide. If he should throw off those childish follies which now disgrace his character, and apply with diligence to study, he would be an honour to his friends and an ornament to society." Born in St. Augustine, Fla., August 13, 1771, his father being the rector there; brought by his mother, Dorothy Murray, of Milton, to Massachusetts in 1773; prepared for college by Dr. Samuel Kendal, of Weston; was engaged in the practice of law in Boston, 1794; after 1796 lived mostly abroad. In 1801 appointed consul-general for the north of Europe, residing at Hamburg and Copenhagen; November 18, 1819, recommended by J. Q. Adams to Monroe as special agent to the government of Chili, to demand restitution of property taken from American citizens by Lord Cochrane within its jurisdiction; appointed agent for commerce and seamen to Buenos Ayres, or Chili, as the existing agent, B. Prevost, might choose (instructions dated July 5, 1820); appointed Secretary of Legation at Buenos Ayres in 1823 to Cæsar Rodney, Chargé d'Affaires, who died June, 1824; nominated by J. Q. Adams, March 5, 1825, Chargé d'Affaires at Buenos Ayres; died at his post June 14, 1831. A strain of boyishness still lingered, apparently to the end; being troubled with gout, he is said to have chosen for his crest "a gouty foot couchant, crossed by two crutches rampant," with the motto, "Toujours souffrant, jamais triste." He never married. See J. Q. Adams, *Memoirs*, vol. iv. pp. 443, 445; vol. v. pp. 129, 157, 163, 164; vol. vi. p. 520; *American State Papers*, *Foreign Relations*, vol. iv. pp. 820-826; vol. vi. p. 281, etc.; A. K. Teele, *Hist. of Milton*, p. 567, 568.

August 1, 1813; served under General Jackson; was at one time commander at Staten Island. When McGregor was ruling at Amelia Island, Forbes was there, and was invited to become a member of the sham legislature at Fernandino, but declined. Later, in April, 1818, he gave J. Q. Adams "many particulars of the proceedings of the sham patriots under McGregor and Aury, and of the characters of the men, confirming everything that has been said of their profligacy." In 1820 he again gave valuable information as to the pretended port of St. Joseph, and the case of the Apollon. In March, 1821, J. Q. Adams recommended him to the President "as Commissioner to carry the order from the King of Spain to the Governor and Captain-General of Cuba for the delivery of the Floridas and of the archives belonging to them. The President assented to this appointment. I sent for Forbes, who came to the office and agreed to go." How wearisome

Went to Mr. Dawes's, and found Wm. Cranch with whom I went and pass'd the evening at Dr. Tufts's lodgings. Lodg'd at Mr. W. Smith's.

3d. Between eight and nine this morning, I cross'd Charlestown and Malden bridges. I rode as far as Danvers before I stopp'd. There I found Mr. W. Parsons¹ and his wife, Mr. T. Parsons, and Mr. J. Tracey. They started from thence before me, but I came up with them again in Ipswich, where we dined at Homan's tavern. Parsons was quite witty, but strained rather too much for it, as he frequently does. "John," said he to Tracey, "who made you adjutant general?" "Mr. Bowdoin." "Strange! how the wisest men will err sometimes!" This kind of wit may, I think, be compared to a sky rocket, which spends all its force in hissing, and then disappoints us with such a weak explosion that it can scarcely be heard. But wit to be pleasing must, I think, be unexpected, like the lightening which flashes in our eyes. From Ipswich I rode in company with them to Newbury, and at about sunset I return'd my horse to his owner. I met Thompson in the street, and went with him to Putnam's lodgings. He stay'd only a few minutes, but I tarried there till almost nine o'clock, when I came home and retired to bed.

4th. I was so much fatigued in consequence of my yesterday's ride that I did not attend meeting. I wrote some lines at home, and finished reading the first volume of Buffon's *Theory of the Earth*.² I am exceed-

his mission was may be seen in his despatches. See *American State Papers*, *Foreign Relations*, vol. iv. pp. 741-748; *Memoirs*, vol. iv. pp. 74-76; vol. v. pp. 196, 322, 418, 420, 422; A. K. Teele, *Hist. of Milton*, p. 567.

¹ William Parsons, brother of Theophilus Parsons, born in Byfield August 6, 1755; a sailor and shipmaster for five years; moved to Boston to engage in commerce in 1780, with an office (in 1789) on Parsons's wharf and a house on South Street; "an invalid from childhood," yet outlived all his connection, and died March, 1837, the "oldest merchant and shipowner in the city." *Memoir of Theophilus Parsons*, by his son, Theophilus Parsons, pp. 18, 331, 332; A. Young, *Memorial Discourse of March 26, 1837*; *Boston Directory for 1789*.

² Between 1781 and 1785 there was published at Edinburgh an English translation in nine volumes of the works of the French scientist, George Louis Leclerc de Buffon (1707-1788), the precursor of Cuvier. "The *Theory of the Earth*" and "The *Natural History of Man*" formed parts of this larger work. The original publication in French was noteworthy for its literary merit. Cuvier, J. Q. Adams's junior by two years, owed his interest in natural history to Buffon, so Mrs. R. Lee, the pupil and intimate friend of Cuvier, wrote. As a boy he "was never without a volume of this author in his pocket, which was read again and again. . . . The admiration which he felt at this youthful period for his great predecessor never ceased, and in public as well as private circles, he never failed to express it. The charms of Buffon's style, a beauty to which M. Cuvier was very sensible, had always afforded him the highest pleasure, and he felt a sort of gratitude to him, not only for the great zeal he had evinced in the cause of natural history, not only for the enjoyment afforded to his youthful leisure, but for the many proselytes who had been attracted by the magic of his language." *Memoirs of Baron Cuvier*, pp. 11, 12.

ingly pleased with the style and manner of this writer. It is concise, nervous, and elegant. The theory I cannot properly judge of till I get through the other volume.

5th. I attended at the office. Amory was there; return'd yesterday from Salem. Townsend went to Boston last week, and has not yet return'd. In the afternoon, we attended the funeral of Mrs. Davenport, a sister of Mr. Parsons; she died of a consumption a few days since. Little and Thomson pass'd an hour with me in the evening, after which I went with the latter to Mr. Atkins's. Thomson was much affected on hearing of the death of one of his school-boys, who died of the scarlet fever, after a very short illness. I cannot write yet in the evening, for want of fire.

6th. Mr. Parsons went this morning to Salem, where the Supreme Court sits this week. I pass'd this evening with Thomson at the office, and had a great deal of conversation with him upon divers subjects. I feel my attachment for this young gentleman daily increasing. The more I become acquainted with him, the more my expectation of enjoying great benefit and satisfaction from an intimacy with him increases. Indeed I have hitherto had reason to think myself fortunate in my fellow students, who are all very agreeable, although their dispositions are essentially different. I pass'd an hour this forenoon very sociably with Miss Jones.

7th. Quite industrious this day in copying forms. Alone in the office a great part of the day. Amory, even when he is in town, is not very attentive at the office. I pass'd the evening with Putnam.

8th. Finished my book of forms, and wrote an index to them. So that henceforth, I shall be able to attend more steadily to Blackstone. Townsend return'd this morning from Boston.

9th. Amory went to Salem this afternoon. They have a ball there this evening, said to be given to the Court. Amory went to attend it. I pass'd the evening at Mr. Bradbury's, where we play'd a number of tunes in concert, besides a cheating game of cards. I got through the theory of the earth. I am more and more pleased with the author. One part of his theory is merely hypothetical, and might perhaps be called extravagant. He supposes the earth and the other planets were originally a part of the sun, and that they were sever'd from it by the shock of a comet, yet even in this part his reasoning is very ingenious; the other part of his theory is founded upon facts; he lays very justly much more stress upon this, and his arguments are very strong and convincing. He supposes that the continents and islands which are now inhabited were covered by the waters of the ocean, and that they will be so again; that at some future period the Alps, the Pyrenees, and the Andees will be at the bottom of the sea, and that the earth now beneath the Atlantic and Pacific oceans will be the

abodes of men, adorned with splendid cities, and crowned with venerable forests. The phenomena from which he deduces his strongest arguments are the continual motion of the sea from east to west, the correspondent angles of mountains, the horizontal and parallel position of the different strata of earth, and the innumerable quantities of sea shells and other marine productions found in all parts of the earth at a considerable depth under-ground. If the author is sometimes mistaken, he is certainly everywhere philosophical.

10th. Attended at the office as usual, and read Blackstone. Passed the evening with Putnam at his lodgings. Began to read Buffon's *Natural History of Man*.

11th. Attended meeting, with Townsend, the whole day at Dr. Tucker's; much pleased with this gentleman as a preacher. Little came home with me. In the evening Williams came in, — from Salem yesterday. We went with him to Putnam's and finished the evening.

12th. I had some writing which I wished to do this day, and I therefore did not attend at the office. Williams and Little dined, and past the afternoon with me. Townsend came in just before dark; I went with him and spent an hour or two at Mr. Atkins's. This family is very agreeable. Mrs. Atkins is a sociable, cheerful, sensible old lady; Miss A. is handsome, and a favorite of Townsend's. I went home with Townsend and supped there. The evening was excessively dark.

13th. Williams set out this morning for Cambridge. I at length got me some wood, and had a fire in my chamber, which will enable me henceforth to study more in the evenings. Thompson was with me an hour or two this night.

14th. I find I am getting fast into the same unmeaning dull sameness, which has frequently abbreviated the space of a day in these pages. Study does not consist merely in acquiring the ideas of others, but it is necessary by reflection to endeavour to form some for ourselves. But I am fearful that I have not yet acquired sufficient knowledge to derive much advantage from my own speculations. *Ars longa, vita brevis*, is a maxim the truth of which I am experiencing daily more and more. There is not one art or science in which I have any degree of proficiency, and I have now undertaken the study of a profession which alone ought to employ all the time I can devote to study for twenty years to come. My eyes and my health begin to fail, and I do not feel that ardor for application which I should have to be a man of science. In short the more I do, the more I find to do; and it is almost discouraging, to see one's labour increase, as we proceed in it.

15th. Amory and Thompson went upon a dancing party yesterday, they invited me to join them, but I did not feel disposed. This afternoon I went with Townsend, and attended Mr. Spring's¹ lecture. I was

¹ Rev. Samuel Spring (Princeton 1771), in 1787 a man of about forty, pastor of the North (Congregational) Church of Newburyport over forty years (1777-

much better pleased than I expected to be with this gentleman's preaching. His sentiments are extremely contracted and illiberal, and he maintains them with the zeal and enthusiasm of a bigot, but his delivery is very agreeable, and I believe his devotion sincere. Although I shall never be a convert to his principles, I will not condemn them as impious and heretical. Little, Putnam, and I spent the evening with Thomson, at his father's. A letter from W. S. was canvassed; it was stiff, inelegant and trivial. I gave this as my opinion, and although they charged me with being prejudiced against the writer, yet I found their sentiments on this point agreed perfectly with mine.

16th. I finished the second volume of Blackstone, and began upon the third, which treats of private wrongs. And this evening I got through Buffon's Natural History of Man, which is still more entertaining than The Theory of the Earth.

17th. I set out for Haverhill between three and four this afternoon, and arrived at Mr. White's a little after five. Leonard was at my lodgings last Tuesday, and made me promise I would stay with him the next time I should go to that town. I was inform'd of Mr. Thaxter's marriage. Last Tuesday was the day when he departed the life of a bachelor and was ushered into a new kind of existence. His friends had expected it would not be till next Tuesday, but he fairly gave them the slip. I went up to Mr. Shaw's this evening, and spent an hour. Lodg'd at Mr. White's.

18th. In the forenoon I attended at Mr. Smith's meeting: he preaches without notes, and, like all the preachers who make a practice of this that I ever heard, often repeats the same sentiments. In the afternoon I went to hear Mr. Shaw. After meeting I went up there, and pass'd part of the evening. Mr. Redington and Captain Marsh and Deacon Eames were there.

19th. I lodg'd at Mr. White's again last night; went this morning up to Mr. Shaw's and past an hour; and between ten and eleven set off for Newbury-Port. Got home at about one. Called at the office; found Amory was gone to Salem for a week. Mr. Parsons says, he will spoil himself in spite of anything that can be done. Townsend dined with me. We were not much in the office in the afternoon. Little spent the evening with me. Rather unwell.

1819); son of an "opulent farmer" of Northbridge; studied theology under Drs. Witherspoon, Hopkins, Bellamy, and West; served as a chaplain in General Arnold's disastrous expedition to Canada in 1775; installed at Newburyport, August, 1777; died March, 1819; published a Dialogue on Duty and several sermons; was instrumental in founding the American Board of Commissioners for Foreign Missions, Andover Theological Seminary, and the American Bible Society. Gardiner Spring, more than sixty years pastor of the Brick Presbyterian Church in New York City, was his son. Dunning, Congregationalists in America, p. 287; Contributions to the Ecclesiastical History of Essex County, pp. 86-92.

20th. Proceed slowly in the third volume of Blackstone. As this is the most important author of all those that will occur, I make large extracts from him, which takes me up so much time that I cannot read above twenty or thirty pages in a day. Townsend pass'd the evening at my lodgings, — dull weather. This afternoon there was a town-meeting for the purpose of choosing members to represent this town in the State Convention which is to meet in January, and canvass the proposed Federal Constitution. The persons chosen were Mr. King,¹ Judge Greenleaf, Mr. Parsons, and Gen^l Titcomb. They are all in favour of the Constitution, and the town appears to be very unanimous for it.

21st. I this morning requested of Mr. Parsons his opinion, whether it would be most advantageous for me to pursue the professional study in those hours when I should not attend at the office; or whether it would be best to devote those of my evenings which I shall pass at my own lodgings, to other purposes, and a diversity of studies. He answered by observing that I could not attend to any useful branch of science in which I should not find my account; he would rather advise me to read a number of ethic writers. It was necessary for a person going into the profession of the law to have principles strongly established; otherwise, however amiable and however honest his disposition might be, yet the necessity he is under of defending indiscriminately the good and the bad, the right, and the wrong, would imperceptibly lead him into universal skepticism. He advised also Quinctilian and the best writers upon Christianity. He himself, he said, was convinced of the truth of the Christian religion; he believed revelation, and it was his reason that had been convinced, for he entered upon the world rather prejudiced against revelation. It stormed in the afternoon. I pass'd part of the evening at Mr. Parsons's, and the remainder with Townsend at his lodgings.

22d. Weather remarkably mild for the season. I have been rather unwell for a week or ten days back, which prevents me from applying myself with so much assiduity as I should wish to. I passed this evening with Thompson and Putnam at Little's. We were very sociable and cheerful. . . .

23d. The events of the day were quite uninteresting. I had however an opportunity to observe the effects of the passions, how despotically they rule! how they bend and master the greatest and the wisest geniuses! 'T is a pity! 't is great pity! that prudence should desert people when they have the most need of it. 'T is pity that such a mean, little, dirty passion as envy should be the vice of the most capa-

¹ Rufus King (H. C. 1777), formerly a law student with Theophilus Parsons; entered political life in 1784 as a Representative from Newburyport; had just returned from the Constitutional Convention of 1787. For Judge Benjamin Greenleaf and General Titcomb, see *supra*, pp. 322, 332.

cious souls. Human Nature, how inexplicable art thou! Oh, may I learn before I advance upon the political stage (if I ever do) not to put my trust in thee! This grave apostrophe, with the lines that precede it, may be mysterious to you, sir, but if so, remember that it is none of your business — and so I wish you good night.

24th. I went in the forenoon and exhibited my complaints to Dr. Swett, but he told me they were not worth speaking of; and so I will e'en let them take their chance. This afternoon Townsend and I went down to Mr. Tracey's, upon a disagreeable piece of business, but which we got through quite comfortably. Ben Hooper called on me in the evening. I have again begun upon Gibbon's Roman History, and hope I shall this time go through. I read the first volume last spring; but at that time my avocations were so numerous that I could not proceed in reading the book. I admire the style, and in general the sentiment, though I think there is sometimes an affectation of wit in the one, and sometimes a glaring tinsel in the other, which are far beneath the majestic simplicity of nature.

25th. I thought I was too unwell to pass two hours in a cold meeting house this forenoon, and staid at home. In the afternoon I ventured out, and went with Townsend to Dr. Tucker's meeting-house; but finding there was no service there, we went to church. Parson Bass¹ is not much of an orator, and was rather negligent in treating common place topics in common place language. Drank tea at Mrs. Hooper's, and pass'd the evening at Mr. J. Tracy's. Capt² Fletcher² was there. Tracy³ was quite warm upon the subject of the late election. He is a militia officer, and possessed very strongly of the esprit de corps. He was offended that Gen¹ Titcomb should come in the last of the four members for this town; and, in the course of conversation, went rather beyond the bounds of prudence.

26th. I took an additional cold yesterday, and am still more unwell than I have been. I pass'd the evening at my lodgings, reading Gibbon and translating a piece from the French.

¹ Rev. Edward Bass (H. C. 1744), rector of St. Paul's (Episcopal) Church in Newburyport, 1752-1803; born in Dorchester November 23, 1726; one of the few Episcopal clergymen who remained, and his parishioners with him, during and after the war, the church and the country attaining independence and self-support in the same year; in 1797, when over seventy years of age, chosen the first bishop of Massachusetts and Rhode Island, holding the two offices of bishop and rector for six years; died September 10, 1803. Among his parishioners were many college-bred merchants, as Jonathan Jackson, Tristram Dalton, John Tracy, Stephen Hooper; also Dudley Atkins, etc. D. D. Addison, *Life and Times of Edward Bass*; J. J. Currier, "Ould Newbury," pp. 403-416.

² Presumably John Fletcher, sea-captain, Treasurer of the Marine Society of Newburyport. *Fleet's Almanack* for 1787.

³ John Tracy was Deputy Adjutant-General of the militia of Essex County, of which Jonathan Titcomb was Major-General.

27th. Better than I have been for these ten days past; all the time again at the office or at my own lodgings. It is of great advantage to us to have Mr. Parsons in the office. He is in himself a law-library, and a proficient in every useful branch of science; but his chief excellency is, that no student can be more fond of proposing questions than he is of solving them. He is never at a loss, and always gives a full and ample account, not only of the subject proposed, but of all matters which have any intimate connection with it. I am persuaded that the advantage of having such an instructor is very great, and I hope I shall not misimprove it, as some of his pupils have done. Where nature is deficient, application must supply her place; and, if Nature is liberal, there is so much more reason for turning her partiality to advantage. For

Nature never lends
The smallest scruple of her excellence,
But like a thrifty goddess she determines
Herself the glory of a creditor,
Both thanks and use.¹

28th. . . . Mr. Parsons, after making much difficulty, has finally consented that we should pass the evenings till eight o'clock at the office, at Townsend's importunity. It will make at this season a large addition to the time which we employ in the professional studies, though I do not know that it will be of any great advantage to me.

29th. Thanksgiving day: between eight and nine o'clock this morning I set out for Haverhill and got to Mr. Shaw's a little before eleven. I attended meeting. Mr. Shaw preach'd a long sermon and a good one. Mr. Parker and his wife dined with us. I did not admire them, the woman particularly: she has a hard masculine countenance, and black eyes which express as much softness as those of a tyger. But she is a very good woman; only has rather too much temper, or as it is called in New-England too much *stuff*. I went down to Mr. White's in the evening, but Leonard was not at home. I was going to Mr. Duncan's, but met all the younger part of the family in the street. I found Leonard White at Mr. Shaw's, and Mr. Flint who came this day from Lincoln.

30th. I passed the forenoon with Leonard, who has been making two or three unsuccessful attempts to make phosphorus; his glass vials melt in the process. Dined at Mr. Duncan's. Mrs. Thaxter has got two or three wrinkles on her forehead. I went to see the house in which they are to live — pass'd the afternoon with him. His honey moon is not yet past. I was at Mr. White's in the evening.

¹ Measure for Measure, Act i, Scene 1.

Saturday, December 1st, 1787.

I dined at Mr. White's; after dinner I went to Mr. Shaw's, stay'd about an hour, and just before sun-set departed for Newbury-Port. I got into the town just as the clock struck seven. Pass'd the evening with Putnam, and came home at about nine. I found Dr. Kilham at home. He return'd from Boston on Thursday; and although his conduct during the late session of the General Court, upon the subject of the proposed continental constitution, has not met with the approbation of his constituents in general, yet I think he is very much to be applauded for that independance of spirit which disdains to sacrifice a sentiment to the breath of popularity.¹ But men are too apt to suspect the motives of those with whom they differ in sentiment, and although in this country religious bigotry is almost entirely done away, yet the same principle, in another garb, appears in all our political manœuvres.

5th. I pass'd the evening with Little and Townsend at Miss Cazneau's. We play'd commerce and whist; but it was dull work. Miss Cazneau has nothing in her person to recommend her, but a very good shape; her complexion is very dark, and not very clear,—no feature of her face is peculiarly agreeable and her eyes are rather unfavorable to her. A capricious, passionate, imprudent character is stamped upon her behaviour. She displays rather too much levity, and a trifling, *uninteresting* vanity is conspicuous. I call it *uninteresting* vanity, because there is a certain kind of vanity that I have observed in some women which is exceedingly interesting, and which is sometimes productive of such pleasing manners that I should be at a loss whether to call it a foible or an accomplishment. Miss Tucker, who likewise passed the evening there, is fair, rather too large for gentility, with a countenance which has not sufficient animation or expression to be very strikingly agreeable. Her manners are pleasing. If I could find fault with any part of them, it would be with the appearance of an affectation of *softness*. This defect is not uncommon; but however amiable a real sweetness of disposition may be, this appearance of it in the manners is not calculated to win my heart. However, if I were to judge of the tempers of these two ladies from their behaviour this evening, I should pronounce the latter infinitely the most amiable of the two. I came home at about nine, in the evening.

6th. Spent the evening with Thompson and Little at Putnam's lodgings. We conversed upon a diversity of subjects. Law, physic, history, poetry, religion and politics, by turns, engaged our attention.

¹ See "Massachusetts Centinel," October 27, 1787, for a report of Dr. Kilham's speech in the Legislature in opposition to the Federal Constitution.

These meetings renew the recollection of those happy scenes which we have all gone through in college; and in this manner I now pass some of my most agreeable hours. But after I came home this evening, and after reading an hour or two, I felt a depression of spirits to which I have hitherto been entirely a stranger. I have frequently felt dull, low spirited, in a manner out of tune; but the feelings which I now experienced were different from what I ever knew before, and such as I hope I shall never again experience: they kept me awake a great part of the night, and when I finally fell asleep they disturbed my rest by the most extravagant dreams.

7th. Mr. Parsons has recovered in a great measure from his illness, so that he was the chief part of this day in the office. I spent the evening in part with him — play'd back-gammon and draughts. At the former of these games he beats me; at the latter I beat him. I should suppose him to be a great proficient at those games which require reflection and a train of reasoning, which is very much the case with draughts; but much of this skill depends entirely upon practice in which he is deficient. . . .

8th. . . . Townsend came home and sat an hour with me. We conversed upon several topics, but chiefly upon ambition, that virtue or vice, according as it is directed. We did not perfectly agree upon the subject, though our sentiments were not very different. In the evening I wrote, and among others brought myself down to the present hour in this book, which I have not done before for these last two months.

9th. Attended Dr. Tucker's meeting in the forenoon. He gave us an excellent sermon upon the story of Haman, from which he drew a number of very rational reflections upon the evils of pride, haughtiness and a revengefull disposition. In the afternoon I went and heard Mr. Carey. Townsend called upon me in the evening, and I went with him to Mr. Atkins's, where we stay'd about an hour; after which we went to see Thompson, who is quite unwell. We sat half an hour below with Mr. Thompson. Parson Spring¹ was there; and we conversed upon the topic which is now prevalent — the Federal Constitution. I came home early and wrote a long letter to W. Cranch.

10th. This forenoon Townsend set off for Boston. Mr. Parsons intended to have gone likewise, as the Supreme Court sits by adjournment there this week. But he was so much troubled with an ague in his face and the toothach, that he could not go. I pass'd the evening with Little at Dr. Swett's. Mrs. Swett² is a pretty woman, and agree-

¹ See *supra*, p. 316.

² Mrs. Charlotte Bourne Swett, daughter of Judge William Bourne, of Marblehead; after Dr. Swett's death married John Taylor Gilman, of Exeter, Federalist Governor of New Hampshire 1794-1805, 1813-1816. Thacher, *American Medical Biography*, vol. ii. p. 109; McClintock, *History of New Hampshire*, pp. 446-449.

able; not endow'd, I believe, with great strength of mind; not much of a reasoner, nor much of a patriot, and professes to know nothing of politics, which she supposes to be entirely out of the sphere of the female sex. It would perhaps be as well, if all women thought so, and conducted upon the principle; yet I wish even females to feel some interest in the welfare of their country. The Dr. is a man of learning and ingenuity. He went through a course of professional studies in Scotland, and has travell'd in different parts of Europe; but he has a mean idea of human nature, and I should not wonder if all physicians had; for they are incessantly conversant with the physical defects and infirmities of mankind. They see humanity in a state of humiliation, and it is no wonder if they have no idea of its glory.

11th. Reading Blackstone all day; and I pass'd the evening at the office till eight; after which I went and past an hour with Putnam. F. Bradbury was with him. We had some conversation upon the stale topic of self love and disinterested benevolence. A subject upon which I have very frequently conversed with many different persons, and, notwithstanding every thing that I have heard said upon the subject, I still retain the opinion which I adopted when I first reasoned upon it. I will not venture to say there is no such thing as disinterested benevolence, but I must say that after searching as deeply as possible into my own mind, I cannot find a trace of it there. Talk'd with Dr. Kilham upon the Federal Constitution. The elections which have hitherto been made in different parts of the State, appear to be generally favorable to it.

12th. This day I finished reading the fourth and last volume of Blackstone's Commentaries. This is one of the most important books in the profession, and I have, comparatively speaking, taken more time in reading it than I probably shall for any other book; yet I am very far from being master of it, and I intend before the end of my three years, if I should live and have my health, to go through this book once or twice more. I began in the afternoon upon Sullivan's Lectures, and read a few pages; but not sufficient to get an idea of the merits of the book. Thompson has so far recovered, that he was at the office in the afternoon. I pass'd the evening at my own lodgings, reading and writing.

13th. The repetition of the same events, from day to day, is the only variety which can supply materials for this record of my transactions. Conversations are seldom interesting. New characters seldom arise, and I am employed more time in thinking what I shall say for one day, than I am in writing the occurrences of a week. Fertility of imagination might supply the deficiency of materials, but my soil produces no spontaneous fruits . . .

14th. I was about an hour with Dr. Kilham at his shop immediately

after dinner ; I took up one of the volumes of Junius's Letters,¹ and carried it with me to the office. I read the whole afternoon, and was interrupted only by the shadows of the evening. I called upon Little, and brought him home with me to my lodgings. We pass'd a very sociable evening together. After he was gone, I took up again my volume of Junius, and just before I finished it the midnight clock reminded me that the hour of retirement was again come round. This hour and that of rousing from the night's repose are equally disagreeable to me. My mind seems in this respect to partake of the vis inertiae of matter. I cannot possibly rise early, and I am obliged to run forward into the night for those moments of contemplation and study which perhaps would be more advantageously taken before the dawn of day.²

15th. A violent north-west wind blew the whole day, but we have no snow yet. . . . Spent the evening with Putnam, who has lately taken a great fancy to digging in metaphysical ground, though he is not perfectly acquainted with the nature of the soil. He has drunk just enough of the Pierian spring to intoxicate the brain, and not sufficient to sober him again.

16th. I waited upon Parson Cary this forenoon, in expectation of much edification ; but he gave us a more indifferent sermon than usual, which, in addition to the weather's being very cold, prevented me from going in the afternoon, instead of which I read three or four of Yorick's sermons.³ Townsend, who returned last night from Boston, was here all day. In the evening I concluded the first volume of Gibbon's history. The two last chapters which treat of the rise and progress of Christianity are written neither with the indulgence of a friend, nor even with the candor and ingenuous openness which an enemy ought ever to show. The sentiment however with which he concludes the volume is a melancholy truth ; and it is to the immortal honour of the present age that no new religious sect can gain ground, because it cannot find a persecutor.

17th. I have continued reading in Sullivan's Lectures. The book is entertaining, and the author so far as he goes appears to be master of his subject. In general he is perspicuous and intelligible, but the treatise is rather historical than professional : it was a posthumous

¹ Written between 1769 and 1772.

² Later in life, as is well known, J. Q. Adams overcame this disinclination to early rising, and became at last a victim to it. December 31, 1828, he wrote : "My rising hour has varied from quarter-past four to seven — the average being about five. After making my fire, I have been constantly writing till breakfast time, between nine and ten." *Memoirs*, vol. viii. p. 88. See also *ibid.*, vol. vii. pp. 97, 165, 365 ; etc.

³ The Sermons of Mr. Yorick ; or, Sermons by Laurence Sterne. Publication began in 1760 ; had passed through several editions before 1787.

work, and therefore probably much more imperfect than it would have been had the author himself given it to the public. The style is rather harsh and inharmonious, and there are many inaccuracies even of grammar, which are probably nothing more than errors of an uncorrected press. Townsend and I pass'd the evening in the office till about eight, after which I went in and play'd with Mr. Parsons at back-gammon about an hour.

18th. Passed the day at the office. Townsend and Thompson were there in the evening.

The question, what am I to do in this world recurs to me very frequently; and never without causing great anxiety, and a depression of spirits. My prospects appear darker to me every day, and I am obliged sometimes to drive the subject from my mind and to assume some more agreeable train of thought. I do not wish to look into futurity; and were the leaves of fate to be opened before me, I should shrink from the perusal. Fortune, I do not covet. Honours, I begin to think are not worth seeking, and as for "the bubble reputation," though deck'd with all the splendors of the rainbow, yet those very splendors are deceitful, and it seldom fails to burst from the weight of the drop which it contains.

19th. I spent my time this day in the same manner that I did the two last. I came home to my lodgings at about eight in the evening, and not being disposed to study felt quite dull. When Dr. Kilham is not at home, I am entirely without company, for my landlady is in fact a good woman, but merely a good woman.

20th. The cold weather appears to be setting in seriously; and indeed it is high time that it should. It snow'd some part of the day. Just after dusk, I walk'd with Thompson and Putnam to Little's home in Newbury, but he was gone to attend the ordination at Byfield.¹ We

¹ The ordination of Rev. Elijah Parish (Dartmouth, 1785), pastor of the church at Byfield for thirty-eight years; the strong Federalist whose election sermon of 1810, prepared at the invitation of a Federalist Legislature but delivered to a "Jacobin" one, was quoted for its bitter, stinging phraseology, by Mathew Carey in his "Olive Branch" (1814), and by Robert Y. Hayne, of South Carolina, in the Senate debate with Webster; instrumental in founding Andover Theological Seminary and the American Board of Commissioners for Foreign Missions; born at Lebanon, Conn., in 1762; died October 15, 1825; a "Hopkinsian," like Dr. Spring, of Newburyport. See J. N. Dummer, Brief History of Byfield Congregational Church; Appleton, Sprague, etc. See also *infra*, p. 361. Dr. Tucker's daughter, in her journal under date of July 7, 1788, shows in another aspect this interesting man the "vacancy" of whose countenance J. Q. Adams noted. Riding over to Byfield, she came into the midst of a revival; or, as she worded it, "Parson Parish, I find, is much celebrated as a divine, and has been so successful as to discompose many of his hearers," adding a distrust of the movement with the "great appearance of sanctity and this wild kind of enthusiasm." Thus the impression made by Dr. Parish during the first months of his ministry seems to have been characteristic of the man and of his career; from the begin-

return'd, and the lads pass'd the evening quite sociably with me till nine o'clock. Captain Wyer was here in the evening. He was, he says, an enthusiast for liberty in 1775, but finds it all a farce; he is now no less an enthusiast; and he may chance to find his present object, which is different enough from Liberty, more tragical than merry.¹ I finished this day with Sullivan's Lectures; and am not displeased to have gone through it.

21st. I read through Wright's short treatise upon the feudal tenures. I found nothing in it but what I had before read upon the subject in other writers. In the beginning of the next week, I shall take up Coke upon Littleton, which seems to be the great magazine for law knowledge, but it is one of those unlucky folios which appear so formidable to many students in the profession. I set myself down for three months at this book.

22d. I pass'd the day as usual at the office; but there was scarce a half an hour at a time without some visitor who entered into conversation with Mr. Parsons, and prevented us from paying any attention to our books. This is too frequently the case and much of our time is lost in that manner. Luckily this was to me a leisure day, and I only made a few extracts from Blackstone. Little pass'd the evening with me. Weather quite moderate. I should wish, in order to give some kind of variety to these pages, to bring in the aid of something more than a mere insipid narrative of my journeys from the office to my lodgings, and from my lodgings to the office. I have heretofore made free plunder with the characters of persons with whom I had any connections, but on many accounts I have found this a dangerous practice; for as I cannot keep these volumes so secret as I should wish to, and as the models may by some means get access to the picture, I am obliged either to forfeit my sincerity, even towards myself, or to run the risque of making enemies. My disposition has prompted me to prefer the latter evil and I have sometimes experienced the disadvantages of committing my real opinions to writing. I have been thinking whether the method of recording observations, without exemplifying characters, would not be equally agreeable to me without being dangerous. If my observations are collected from a concurrence of facts, and if they should be upon subjects of any consequence, I might in that manner pluck the

ning a vigorous personality, a rugged man, making on Alice Tucker almost as unfavorable an impression as on J. Q. Adams, yet wielding a great influence over the people to whom he ministered, and, later, in his denomination and political party. At a later date (January 4, 1790) Miss Tucker wrote: "Afternoon Parson Parish call'd and drank tea with us. He is a little, sociable man, and quite agreeable in conversation." Manuscript journal of Alice Tucker (1751-1808), now in the possession of the daughters of Mr. John Tucker Prince.

¹ See *supra*, p. 331.

rose, without pricking my finger with the thorn. I believe I shall endeavour, though not immediately, to practise upon this plan.

23d. I went this forenoon to hear Parson Murray¹ preach. He expatiated somewhat largely upon the seventh commandment. I was not very much pleased with him, — his voice is clear and strong, and his delivery agreeable; but I have heard even extempore speakers preach more to my satisfaction. His arguments against a crime which must meet with general abhorrence were not, I think, the most forcible that might have been brought, and he extended it further than I thought reasonable. I did not attend meeting in the afternoon. We finally have got a violent snowstorm, which begun this morning, and has been acquiring force the whole day.

[On this day Mr. Adams wrote the following letter to his mother: —

“DEAR MADAM, — . . . In the beginning of September I came to this town, and began the study of law with Mr. Parsons. I could not possibly have an instructor more agreeable than this gentleman. His talents are great; his application has been indefatigable; and his professional knowledge is surpassed by no gentleman in the Commonwealth. The study itself is far from being so destitute of entertainment as I had been led to expect. I have read three or four authors with pleasure as well as improvement; and the imaginary terrors of tediousness and disgust have disappeared upon the first approach. But in their stead other fears have arisen which create more anxiety in my mind, and which will increase rather than subside. The popular odium which has been excited against the practitioners in this Commonwealth prevails to so great a degree that the most innocent and irreproachable life cannot guard a lawyer against the hatred of his fellow citizens. The very despicable writings of Honestus were just calculated to

¹ Rev. John Murray, pastor of the First Presbyterian Church; born May 22, 1742, in Antrim, Ireland; educated at Edinburgh University; in May, 1765, a pastor at Philadelphia; in July, 1766, at Boothbay, Me.; had a career as an extempore speaker and evangelist like that of Whitefield; delegate from the Boothbay region to the Provincial Congress of Massachusetts in 1775, and took an active part in its proceedings; was so vigorous in behalf of the American cause that the British Commodore in the Maine waters in 1779 placed a reward of five hundred guineas on his head; by a stirring sermon rallied a company of volunteers in Newburyport; installed there June 4, 1781; died March 13, 1793; was esteemed an orator; known as “Damnation” Murray to distinguish him from “Salvation” Murray, who was then preaching in Massachusetts the faith of the Universalists. Jonathan Greenleaf and Captain William Coombs were elders in his church; among the names of his parishioners are to be found Titcomb, Knight, Tufts, etc. Some of the neighboring pastors, especially Dr. Spring, did not receive him into cordial fellowship. See A. G. Vermilye, *Memoir of Rev. John Murray in Maine Hist. Soc. Coll.*, vol. vi. pp. 155-170; H. C. Hovey, *Origin and Annals of “The Old South” First Presbyterian Church*, pp. 37-42, 88, 199; J. J. Currier, “Ould Newbury,” p. 523; etc.

kindle a flame which will subsist long after they are forgotten. The author after being hoisted by this weak instrument into the Senate has already return'd to his native insignificancy, and under the new adopted signature of Candidus defends a good cause without ability and without success. But the poison has been so extensively communicated that its infection will not easily be stopped. A thousand lies in addition to those published in the papers have been spread all over the country to prejudice the people against the "order," as it has invidiously been called; and as a free people will not descend to disguise their sentiments, the gentlemen of the profession have been treated with contemptuous neglect and with insulting abuse. Yet notwithstanding all this the profession is increasing rapidly in numbers, and the little business to be done is divided into so many shares that they are in danger of starving one another. When I consider these disadvantages, which are in a degree peculiar to the present time, and those which at all times subsist, when I reflect that with good abilities, great application and a favourable fortune are requisite to acquire that eminence in the profession which can ensure a decent subsistence, I confess I am sometimes almost discouraged, and ready to wish I had engaged in some other line of life. But I am determined not to despond. With industry and frugality, with patience and perseverance it will be very hard if I cannot go through the world with honour. I am most resolutely determined not to spend my days in a dull tenor of insipidity. I never shall be enough of a stoic to raise myself beyond the reach of Fortune. But I hope I shall have so much resolution as shall enable me to receive prosperity without growing giddy and extravagant, or adversity without falling into despair.

I board at Mrs. Leathers's — a good old woman; who even an hundred years ago would have stood in no danger of being hang'd for witchcraft. She is however civil and obliging, and, what is very much in her favour, uncommonly silent — so that if I am deprived of the charms, I am also free from the impertinence of conversation. There is one boarder beside myself. A Dr. Kilham (I hope the name will not scare you), one of the representatives from this town, a very worthy man; and a man of sense and learning. Was it not for him I should be at my lodgings as solitary as an hermit. There is a very agreeable society in the town; though I seldom go into company.

I pass'd two or three days at Haverhill about a month ago, and had the pleasure of finding Mr. Thaxter. From the severest censurer of every trifling attentions between lovers, he became as fond a shepherd as ever was celebrated in the annals of Arcadia. He expects some peculiar animadversions from you, for his desertion of principles which he formerly boasted were so deeply rooted in his mind. But it is the old story of Benedick. The absurdity is not in abandoning a vain

ineffectual resolution; but it is in pretending to adopt a resolution which every day may be rendered futile.

I have frequently been prevented from expatiating in my letters upon political topics, by the sterility of the subject; uncommon fertility now produces the same effect. I can only say in general terms that parties run very high, and that we are most probably at the eve of a revolution. Whether it will be effected in silence and without a struggle, or whether it will be carried at the point of the sword is yet a question. The newspapers will show you how much the public is engaged in the discussion of the new continental form of government, which I fear will be adopted. . . .]

24th. Begun upon Coke-Littleton, and read about a dozen pages. Pass'd about an hour in the evening with Mr. Parsons, playing backgammon. . . .

25th. Christmas day. Parson Bass preached a sermon, but I did not go to hear him. I dined with Townsend, and pass'd the afternoon there. At about dusk, I took a long walk with him, and then returned to my own lodgings. The Dr. this day took a ride out of town. In the evening I fell to speculating upon political subjects. I regret exceedingly that I have so little time at my own disposal. A thousand subjects call my attention, and excite my curiosity. Most of them I am obliged to pass from without noticing them at all; and the few to which I can afford any leisure, only lead me to regret that I cannot go deeper. The tedious study of a profession, which requires indefatigable industry and incessant application, is alone sufficient employment. But the arts and sciences in general, and in particular the liberal arts, must not be neglected. I suspect I shall soon drop this journal.

27th. St. John's Day. An entertainment for the Society of Free-Masons. In consequence of Stacey's exertions, we had this evening a good dance. There were only thirteen gentlemen and fifteen ladies. The diversion was general, and the company spirited. Upon such occasions there is almost always somebody who makes peculiar amusement for the rest of the company. A Captain Casey was this evening as singular as any of the gentlemen. As a Mason, he had the generosity of his heart at dinner rather than the reflections of prudence, and as this, like most virtues, increases by being put in action, he had not laid any illiberal restraints upon himself in the evening. It increased exceedingly his activity, and after all the company had done dancing he retained vigour to walk a minuet and to skip in reels. In all this there was nothing but was perfectly innocent; yet so fond are the sons of men to remark their respective foibles, that the Captain was not totally exempted from the smiles of the company. This was the most particular circumstance that took place. In general I was much pleased. It

was between four and five in the morning before we broke up. Putnam came and sat an hour with me and Little in garrulous conversation. A little after the clock struck five, Putnam went home; and I much fatigued retired to bed.

28th. We rose between ten and eleven in the forenoon. Little took a breakfast with me; after which I went to the office, but felt entirely incapable of doing anything serious. I pass'd the time therefore till dinner in idle chat. In the afternoon, I passed an hour with Dr. Kilham; and again repaired to the office, with as little success as ever. In the evening, all the gentlemen who were last night at the dance were at Putnam's lodgings. We drank and smoked and sang there till nine o'clock; but, notwithstanding a forced appearance of hilarity was kept up, there was in fact no real mirth. All were fatigued by the last night's siege, and unable to bear another, such as the inexhaustible spirits of Amory would have relished. At nine therefore we retired, and not long after I got home, I went to bed.

29th. Not entirely recovered yet from the fatigue of Thursday night; but could in some measure attend to reading. Mr. Parsons's students all dined with him. Master Moody,¹ from Byfield, with a son of Dartmouth by the name of Parish were likewise of the company. Mr. Parish has to perfection the appearance and manners which have distinguished all the young gentlemen from that seminary with whom I have had any acquaintance, — the same uncouthness in his appearance, the same awkwardness in his manners, and, really I am not illiberal if I add, the same vacancy in his countenance. That a man should not at the same time make a scholar and a fine gentleman, that the graces and the muses should refuse to reside in the same mansion, is what I have never thought strange; that they seldom unite is at once my sorrow and my consolation; but the students of Dartmouth, appear

¹ Master Samuel Moody (H. C. 1746), the genial and eccentric preceptor of Dummer Academy. Born April 18, 1726, at York; a teacher there for sixteen or seventeen years; first preceptor of Dummer Academy 1762-1790; a bachelor; died December, 1795, at Exeter, N. H. Held in the highest and most affectionate esteem by pupils such as President Willard and Professor Webber of Harvard, Theophilus Parsons and Rufus King, with a long and honorable record of service over a flourishing school, his best days were in the past. The son of "Handkerchief Moody" and grandson of "Faithful Moody," the eccentricities of his character and intellect were becoming so pronounced as to impair his usefulness and compel his resignation. Again Miss Tucker's impression is in accord with that of J. Q. Adams, for a year later, December 3, 1788, she calls him the "vociferous Master Moody," and speaks of "his high sounding volubility." And on May 9, 1790, writes: "Master Moody spent the day with us — how he embarrasses one by his gross extravagant compliments — certainly he does not possess any true politeness, and is a stranger to that delicate sensibility which is cautious of offending." Manuscript Journal of Alice Tucker. N. Cleaveland, *The First Century of Dummer Academy*, pp. xiii-xvii, 19-33. See *infra*, p. 370.

determined to raise no rivalry between these sets of sisters, and therefore discard them all. Mr. Moody was extremely full of high flown compliments; the grossest, the most fulsome flattery was incessantly in his mouth. Every virtue and every accomplishment he lavished away upon the company, with so little consideration that he seemed to forget that modesty was in the list. He went off however very soon after dinner. By G. Bradbury,¹ I received a couple of letters from Cambridge which gave me no agreeable news. Bradbury was with me in the evening; he relieved me in some measure from my fears. The Colleges, it seems, in the course of the last quarter have been in great confusion, and the students are much irritated.

30th. Attending meeting the whole day at Mr. Carey's. Dined at Mr. Hooper's² in company with Mr. Symmes, who return'd in the afternoon to Andover. In the evening I walk'd with Dr. Kilham to Mr. Carter's; found nobody at home. We then went and pass'd the evening with Mrs. Emery. The conversation was agreeable, tho' not extremely interesting.

31st. In the evening I went with Townsend to see Miss Cazneau, and to fulfill a promise of playing on the flute for her, which I made some weeks ago, and renew'd last Thursday. The character of Miss C. I propose to delineate at a future period, if I should continue to draw any.³ At eight I left her and pass'd the remainder of the evening at Mrs. Hooper's.

The night which puts a period to the revolving year always presents to my mind a crowd of the most serious reflections. But none are more important than those upon the shortness of human life. A twentieth part of the days of man has nearly elapsed since I began this journal; yet how uninteresting the events! how much of that period lost! how much mis-spent! but revert the question: how much employed to make me wiser, better and more useful? Ah! how shall I answer?

¹ George Bradbury (H. C. 1789), son of Theophilus Bradbury, born in Portland October 10, 1770; a lawyer in Portland; a member of the Massachusetts Legislature 1802 (from Newburyport), 1806-1810, 1811-1812 (from Portland); a Representative in Congress 1813-1817; etc.; died November 17, 1823. W. B. Lapham, *Bradbury Memorial*, pp. 89, 118, 119.

² See *infra*, p. 388.

³ See *supra*, p. 352. February 24, 1789, Alice Tucker wrote: "Miss Cazneau came from town and took tea with me; lively conversation; she is a young lady of humour, and very volatile"; and again, December 9: "The lively laughing Miss Cazneau came in the afternoon and took tea with us." It is evident, from an entry in this journal of March 24, 1789, that this family had known days of greater prosperity, but were then reduced "to indigence." Manuscript journal of Alice Tucker.

Tuesday, January 1st, 1788.

Pass'd the day and evening at the office. Read at my own lodgings till one o'clock in the morning. I feel every day a greater disposition to drop this nonsense. It takes up a great deal of my time; and, as it is incessantly calling upon me, I can never have any respite. In the extreme cold of winter I have no convenience for writing, and was it not for the pleasure of complaining to myself, I believe I should have done long ago. I often get in arrears, and then I have as much time to recollect the circumstances of one day, as at other times I have to write for four. These inconveniences however are most prevalent in the severity of the winter season. As I have got so far through this, and more particularly as I have now begun the year, I will make an effort to carry it on for one more revolution of the sun; and, if I then feel as averse to writing as at present, I will e'en stop, at least while the events in which I am concern'd are as trivial as they are at present. One consideration upon this subject, at least, affords me some satisfaction: it is, that when I look back in these volumes, and peruse the temporary productions of my pen, I am at least able to say at the close of the day, that day I did something.

2d. In the beginning of the evening Putnam called at our office, and invited me to go with him and pass a couple of hours at Mr. Frazier's;¹ after debating with myself some time upon the subject, I determined finally to go. We found there a number of young gentlemen and ladies. After we had sat a little while the infallible request to sing made its appearance. One could not sing, and another could not sing, and a total incapacity to sing was declared all round the room. If upon such occasions every one would adhere to his first assertion it would be very agreeable, at least to me; for in these mixt companies, when the musical powers are finally exerted, the only recompense for the intolerable tediousness of urging generally is a few very insipid songs, sung in a very insipid manner. But the misfortune is that some one always relents, and by singing furnishes the only materials for a conversation which consists in intreaties for further gratifications of the same kind. When we had gone through this ceremony and had grown weary of it, another equally stupid succeeded. It was playing pawns: a number of pledges were given all round, and kissing was the only condition upon which they were redeem'd. Ah! what kissing! 'tis a profanation of one of the most endearing demonstrations of Love. A kiss unless warm'd by sentiment

¹ Presumably Moses Frazier, a member of the Committee of Safety of September 23, 1774; selectman 1778-1781, 1786, town treasurer 1782; representative in the Legislature 1777, 1778, 1781. Hurd, *Hist. of Essex County*, pp. 1738-1740, 1744.

and enlivened by affection may just as well be given to the air as to the most beautiful or the most accomplished object in the Universe. After going through this likewise, as if the Pope had done us any injury, nothing would do but we must break his neck. It is the fate of the poor representative of St. Peter to be abused at this day. But we were peculiarly cruel, for we persecuted him without any kind of advantage to ourselves. Thus we pass'd the heavy hours till about ten o'clock, when we all retired. I did intend to mention the young ladies that were present and give my sentiments upon their persons and manners; but this day has already usurp'd more than its proportion of the volume, and I will take some other opportunity for delineating. For the present I will quit the pen.

3d. Pass'd the evening at Little's in Newbury. A Mr. Coffin,¹ who graduated two years ago at Harvard, was there. We spent our time in sociable chat and in singing; not such unmeaning, insignificant songs as those with which we killed our time last evening, but good, jovial, expressive songs such as we sang at College, "when mirth and jollity prevail'd." One evening of this kind gives me more real satisfaction than fifty pass'd in a company of girls. (I beg their pardon.)

4th. Nothing. It would be a fine theme to expatiate upon. It has been well expatiated on. When I look around me and see the vices, the follies, the errors of my fellow creatures, when I look into myself and enquire into the springs and motives of my actions, when I look forward and ask what am I to do, what am I to expect, an involuntary sigh acknowledges that *nothing* is the only answer. In the physical world, what are sensual gratifications, what is the earth, and all it contains, what is life itself?—nothing. In the moral world, what is honour, what is honesty, what is religion?—nothing. In the political world, what is liberty, what is patriotism, what is power and grandeur?—nothing. The universe is an atom, and its creator is all in all. Of him, except that he exists, we know nothing, and consequently our knowledge is nothing. Perhaps the greatest truth of all is, that for this half hour I have been doing nothing.

5th. I have this week been reading Cecilia,² a novel of some reputation; it was written by a lady, and does not exhibit that knowledge of human nature, which is the greatest excellency, perhaps, of novels. Some of the characters, however, are well drawn; they are generally exaggerated, and appear rather too strongly marked for perfect imitations of nature. The characters of Miss Larolles and of Meadow appear to

¹ Charles Coffin (H. C. 1785), born in Newbury September 4, 1765; a teacher and physician in Portsmouth, N. H., and afterwards at Beaufort, S. C.; died September, 1820. J. J. Currier, Hist. of Newbury, p. 669.

² Miss Burney's "Cecilia," in five volumes, had then been published six years. In 1793 she married General D'Arblay.

me original and true, that of Lady Pemberton is pleasing, but merely an imitation. The story in general is well told and the interest is preserved; but in many places probability is not sufficiently consulted, and the repetitions of the mistakes at Belfield's lodgings become tedious and wearisome; the catastrophe is not just as I should wish it, yet perhaps it is more judicious than it would have been to have preserved her fortune. If the book was made shorter by two volumes, I think it would be much better than it is; but even now it is infinitely superior to the common herd of novels, which are mere nuisances to Literature. I passed the evening quite in a solitary way at my own lodgings. The weather has this week been extremely cold.

6th. Heard Mr. Carey preach two sermons this day; but the weather was very cold. In the afternoon the Parson was extremely vehement; in an occasional discourse upon the renewal of the year, he complained exceedingly that the language of the people was "the time is not come," and, with all his powers of eloquence and of reasoning, he exerted to prove that the time is come. He was rather too violent: his zeal was so animated that he almost had the appearance of being vexed and chagrined. But he said he was not aiming at popularity. Passed the evening with Dr. Kilham at Mr. Carter's, where we had a whole magazine of antiquity. Miss Sally Jenkins was there. I was pleased with her manners. She is of the middling female size and has a fine form, the features of her face are regular, and were not the nose too much inclined to the aquiline, would be very handsome. Twenty two, I should think her age; but perhaps she is two or three years younger. She conversed not much, and indeed in the state of female education here there are very few young ladies who talk and yet preserve our admiration. For my own part, the most difficult task that could be assigned me would be to carry on a conversation with one of our fine ladies; the topics upon which they are able to be fluent are so totally different from any of those with which I have ever been conversant, that I feel the same embarrassment that I should with one whose language I should be wholly unacquainted with. This is not meant however to apply to Miss Jenkins, who is, I hope, of a different cast; perhaps I shall discover on a better acquaintance attractions in her besides those of person, and they will appear the more amiable as they are the more rare.

7th. . . . At eight o'clock I left the office, and went to Dr. Swett's, where I found Little very agreeably situated. He had been writing part of a letter to Freeman. I join'd with him, and scribbled about half a page upon the subject of Miss Cazneau. I know not but I should have done best to adopt the prudent style of panegyric; but what is done cannot be helped, and I must run my chance of incurring the tremendous resentment of an offended female. If she should discover

what I have written, my only resource would be to flatter her. This I believe would be an infallible recipe for appeasing her. While I was sitting with Little, the sexton came in. "You mentioned a matter to me the other day," said he; "and I met with one yesterday; all entire. Has been there but a few years. The flesh has sunk away not much; rather dirty, as the clods fell on him as I was digging; but it's easy to wash that away. If you want one now, you may have him early to-morrow morning." Little told him such an one would not answer his purpose, not being fresh enough. I bless'd myself for not being a student in physic, and for being exempted from an application to any art by means against which humanity revolts. How much is an honest and a humane physician to be respected and esteemed! no man certainly can render himself useful to his fellow creatures in a manner more painful and disgusting to himself, and few men have a poorer prospect of obtaining the reward of their labours; in this country especially. I sat about an hour with Little, after which I retired to my own lodgings.

8th. It snow'd all the forenoon; but, as the weather kept continually moderating, in the afternoon it began to rain, and before the weather cleared up the snow was almost gone. I went with Townsend, and drank coffee at Mr. Thompson's. His son goes to Boston to-morrow. I gave him my letter for Cranch. After we went from there, we called in at Putnam's lodgings, and found Captain Noyes there. Mr. Townsend soon went away. I sat there till after nine o'clock, and heard the doleful story of the clock upon Mr. Murray's meeting house,¹ which the other night kept striking without ceasing almost the whole night, and how it is an indisputable omen, foreboding the death of the Parson, who is very sick. Superstition and bigotry will ever be inseparable companions, and they are always the tyrants of a mean and contracted mind.

9th. This day our State Convention is to meet in Boston for the purpose of assenting to and ratifying the Federal Constitution. The members from this town went for Boston yesterday, except Mr. Parsons, who will go to-morrow. The conjectures concerning the issue of their debates are different, according to the dispositions of the speculators. Some think there will be a great majority for adopting the Constitution, while others hope the opposite party will greatly preponderate. In the evening I play'd with Mr. Parsons at back-gammon, and was beat by him. After leaving the office, I pass'd the remainder of the evening with Townsend at Mrs. Hooper's.

¹ This clock had a hexagonal dial with a single arrow extending across it to mark the hours — minutes in those slow days not being worth counting. H. C. Hovey, *Origin and Annals of "The Old South,"* First Presbyterian Church, pp. 191, 192.

10th. Between eleven and twelve Mr. Parsons went for Boston. . . . I went this evening to Dr. Swett's with the intention to pass the evening there, but neither the Doctor nor his lady were at home. I called upon Putnam, and would have gone with him to Mr. Bradbury's, but they were all out. I met Little in the street; he came home with me, and sat half an hour. The Convention met at Boston yesterday, about three hundred members present. They chose Mr. Hancock President, and, as his infirmities are such as will probably prevent him frequently from attending, Judge Cushing was chosen Vice-President. But they have not yet proceeded to business of any consequence, nor does it appear which party is most likely to prevail. From which we may perhaps infer that in either case the majority will be small.

12th. Saturday evening I was, as usual, all the evening at my own lodgings. I spent my time in reading Gibbon's Roman history, second volume, and now at twelve at night, upon compulsion, I am to say something for myself. And I know nothing better than to testify that at Mr. Parsons's office I have lost a great part of this week by conversing with him and with Townsend. Mr. P. is now gone to Boston, and I hope to God I shall not go on in this way squandering week after week, till at the end of three years I shall go out of the office as ignorant as I entered it. I cannot, must not, be so negligent. All my hopes of going through the world in any other than the most contemptible manner depend upon my own exertions, and if I continue thus trifling away my time, I shall become an object of charity or at least of pity. God of Heaven! if those are the only terms upon which life can be granted to me, oh! take me from this world before I curse the day of my birth. Or rather, give me resolution to pursue my duty with diligence and application, that if my fellow creatures should neglect and despise me, at least I may be conscious of not deserving their contempt.

13th. This morning Townsend called on me, and invited me to go and hear Parson Tucker. We met Little in the street, who turn'd about, and walk'd that way with us. When we got to the meeting house we found there was to be no service there in the forenoon, and as it was then too late to go any where else we turn'd back and went home. Dined with Dr. Kilham at Dr. Swett's, and Little dined with us. We spent the afternoon and drank tea there. Mrs. Swett is handsome, and, like most of our ladies, is perfectly acquainted with the various forms of propriety in company which have been established here. She has too much good breeding to know any thing upon speculative subjects, and she has a proper aversion to politics. She has, however, I believe, a good understanding, and is infinitely superior to many of our female beauties who flutter in all the pride of variegated colours. After I return'd home, Thompson called and delivered me a

letter from W. Cranch. I went with the Dr. to see Mr. Jackson,¹ but he was not at home, and we called in at Mrs. Emery's.² This lady and her daughter converse more to my satisfaction than the generality of my female acquaintance. In their company my time passes away fast; and I am not often able to say as much.

14th. . . . This evening I went with Townsend in the first place to Mr. Atkins's; this too is an house where I always visit with pleasure, as I am always sure to meet with good sense and sociability. From thence we went to Mr. J. Tracey's, where we found three ladies, all drest in the deepest mourning, and Captn. Farris,³ who lately lost his wife. Mrs. Tracey is much such a lady as Mrs. Swett, though there are a few distinguishing characteristics. Her husband is a singularity. But he is a justice of the peace and deputy adjutant general of the militia; and with equal importance and dignity he wields the scales of justice and the sword of Bellona. He frequently tells of his judicial performances, and takes pleasure in boasting that to do his duty he must see every man in the county once a year. But he is friendly and hospitable, and indeed, except when mounted on one of his two hobby-horses, a very good companion.

15th. After passing the day as usual at the office, Townsend came, spent the evening, and supp'd with me. The weather for these three or four days past has been excessive cold; but has moderated greatly

¹ Presumably Jonathan Jackson (H. C. 1761), son of Edward Jackson, of Boston, and Dorothy Quincy, of Braintree; born in Boston June, 1743; classmate of Stephen Hooper, Colonel Edward Wigglesworth, Rev. Thomas Cary, of Newburyport, and Professor Samuel Williams, of Cambridge; intimate friend of John Lowell (H. C. 1760); began his business life as a clerk in the office of Captain Patrick Tracy, of Newburyport; married, as a second wife, in 1772, Tracy's daughter, Hannah. In 1771 Jackson and Lowell bought land on High Street and built companion houses, — Jackson's being known later as the "Timothy Dexter" house. Jackson was a member of the Committee of Safety in 1774; a representative to the Provincial Congress at Watertown; a delegate to the Continental Congress 1781, 1782; moved to Boston in May, 1785; marched under General Lincoln to suppress Shays's Rebellion in 1786; soon after that returned to Newburyport; in 1789 was United States marshal for the district of Massachusetts and was living in one half of what is now the Public Library Building; removed to Boston again in 1795; was treasurer of Massachusetts five years and of Harvard College three years; died March 5, 1810. J. J. Currier, "Ould Newbury," pp. 564-569, — a portrait of Jackson painted about 1784 is reproduced there.

² Mrs. Margaret Gookin Emery, daughter of Rev. Nathaniel Gookin, of Northwood, N. H., wife of John Emery; born August 11, 1745; died August 12, 1788; mother of Hannah Emery; see *supra*, p. 330.

³ Presumably William Farris, born in Belfast, Ireland, in 1753; came to America when twelve years of age; joined the expedition against Quebec; served on the sea first as midshipman and later as commander of a privateer; suffered imprisonment several times; became after the war a merchant in Newburyport; was a Representative in the Legislature 1827-1833; married Fanny Jenkins; died in 1837. E. V. Smith, *Hist. of Newburyport*, pp. 369, 370; Hurd, *Hist. of Essex County*, p. 1741.

this evening. After supper I amused myself an hour or two with writing; and I have been reading two or three of Shakespear's historical plays. I believe I should improve my reading to greater advantage, if I confined myself to one book at a time; but I never can. If a book does not interest me exceedingly it is a task to me to go through it; and I fear for this reason, I shall never get through Gibbon. Indolence, indolence, I fear, will be my ruin.

16th. It snow'd all the forenoon; but the weather continued moderating, and in the afternoon a steady rain took place of the snow; and when I came this evening from the office, the ground was covered all the way with one continual glare of ice. It was dangerous walking, and I came as much as half the way without lifting my feet. I spent the evening at home, writing to make good the time which I have lately lost; but I accomplished my purpose only in part. It may be observed that I say of late little but of what I do in the evening; and the reason is, that the only varieties of any kind that take place are in that part of the day. At about nine in the morning I regularly go to the office, and when I do not lose my time in chat with Amory or Townsend, I take up my Lord Coke, and blunder along a few pages with him. At two I return to dinner; at three again attend at the office, and again consult my old author. There I remain till dark, and as Mr. Parsons for special reasons, to him best known, objects to our having a fire in the office in the evening while he is absent, as soon as day-light begins to fail we put up our books, and then employ the remainder of the day as best suits our convenience and the feelings of the moment. I go but little into company, and yet I am not industrious. I am recluse, without being studious; and I find myself equally deprived of the pleasures of society, and of the sweet communion with the mighty dead. I am no stranger to the midnight lamp; yet I observe not that I make a rapid progress in any laudable pursuit. I begin seriously to doubt of the goodness of my understanding, and am not without my fears that as I increase in years the dulness of my apprehension likewise increases. But we are all mortal.

17th. Putnam called at our office this forenoon, and return'd Sullivan's Lectures, which he borrow'd about a fortnight ago. I pass'd the evening till nine with Little and Putnam at Thompson's. We convers'd upon the subject of originality. Thompson opposed my sentiments upon that head, though I believe he does not differ very widely from me. I told him I was fond of novelty in characters, and was even pleased with excentricity if it was not affected. I cannot bear your people who have no characters at all. And yet I could name many young gentlemen, who, being merely blest by nature with a good memory, and by art with diligence and application, bustle through the world, and even find people who will call them men of genius. . . .

18th. This afternoon I wrote a couple of letters to send by Mr. Atkins, who goes to Boston to-morrow. One for N. Freeman, and the other from [for?] W^m Cranch; and as I could not finish before dark I ventured to stay in the office till seven o'clock. I then went with Townsend to Mr. Atkins's, to give him the letters. Miss Dashwood was there, a young lady from Boston. She speaks thick and quick, which is at present all I have to say of her, except that by candle-light she looks handsome. I came home; and then went with the Doctor to Mrs. Emery's. There we found Mrs. Jackson and Miss Fletcher.¹ Mrs. Jackson looks better than I ever saw her, and was in high spirits. She talk'd almost all the time, and would have talk'd well, had she not appeared rather too fond, in repeating some gentleman's speeches, to render every word, even those which are most superfluous, words which if used before women, even by a man, at least argue ill-breeding, but which the lips of every woman ought to be ignorant of pronouncing. Miss Fletcher sat two hours, and scarcely opened her mouth. The poor girl is in love, and when her friend is absent she can utter nothing but sighs. This evening, it is true, she had no chance to speak, but she was not only silent but absent. She did not appear to enjoy the conversation, and all Mrs. Jackson's wit could scarcely soften her features to a smile. After they were gone, we sat there about half an hour in chat with Miss Emery. She is Thompson's favorite, and in this as in many other instances he shows the goodness of his taste.

19th. At home all the evening. Master Moody called to see me; "Don't you think, said he, that I am very condescending thus to come and visit you?" It might be very true, considering the dignity which his years have given him, but the address was very much that of a schoolmaster, whose habits of commanding give him a prescriptive title to importance. He sat with me about an hour, and then departed. I have been more attentive to studies this week than I was the last. I have made considerable progress in my folio, and have got some insight into one or two particulars which had hitherto been involv'd in intricacy and obscurity. I have spent three evenings this week in my own room, and have in some measure retrieved my particular arrearages. The weather has been very favorable, so that I have not been forced to drop my pen from the stiffness of my fingers. The winter is already far advanced, and is now rapidly passing away. I can afford, if the severity of the weather should require it, to fall back once or twice more; and the extremity cannot, I think, last so long as to make me lose the thread of my adventures. It seems as if we were fated to have no lasting snow this winter. It snow'd again all this forenoon; but so soon as a suf-

¹ Lucy Fletcher, probably the daughter of Captain John Fletcher; married "her friend," William Amory, August 9, 1789.

ficient quantity had fallen to make good sleighing, it turn'd to rain, which, I suppose, will sweep it all away again.

20th. I attended at Parson Carey's meeting. We had two sermons, in continuation of a subject upon which he preached last Sunday; the excellency of Christianity. I pass'd the whole evening in writing very industriously; not a little to the increase of this volume. It thaw'd all last night, but not so as to carry off all the snow. The streets were like a river the chief of the day, but at about five the wind got round to the north-west and blew with some violence. In two hours time the streets were dry, and the ice strong enough to bear a man. I think I never saw a more sudden or a greater alteration in the weather. The wind subsided to a degree before midnight, but left it very cold. And now I bid adieu to my pen and to my book.

21st. I began upon the third book of the first part of the Institutes,¹ and read a few pages as usual. In the evening I again look'd into Gibbon, and made some progress in his second volume. I have also been reading for these two or three days past the letters from a Chinese Philosopher,² which are a number of essays upon various subjects, wrought into a kind of a novel. They are entertaining, and exhibit no bad picture of English manners. The accounts from Boston this evening are disagreeable. The opposite parties in the Convention grow warm and irritable; Mr. Dana and Mr. Gerry, it is said, have come to an open and public rupture.³ Mr. B. Lincoln,⁴ the General's

¹ "Institutes of the Laws of England; or Commentary on Littleton" — *i. e.*, Coke upon Littleton.

² This work by Oliver Goldsmith — "The Citizen of the World; or Letters from a Chinese Philosopher residing in London, to his Friends in the East" — had been published twenty-five years before, in 1762.

³ A letter dated Boston, January 19, 1788, and written by J. Q. Adams's youngest classmate, John Forbes, a lad of sixteen, gives a rather interesting if boyish view of this well-known episode: —

"... The Convention are now sitting in this town. I have attended the debates till I have become quite interested. The weight of argument offer'd is so much in favor of the Constitution that I cannot but at present beg to dissent with you and term myself a Federalist. I am sorry to inform you that your opinion is so poorly advocated — there is not a man of education that dare speak in opposition to the plan, there are but few on that side, and those few, fearing conviction, are fortifying their prejudiced minds with adamantine obstinacy. The characters that support it are so respectable that shou'd it be rejected in this State it will retire without a blush — Dana, King, Gorham, Strong, Parsons, Cabot, Ames and Sedgwick are characters so pure that nothing but Gerry's spirit of opposition cou'd soil. The Anti have made every exertion in their power and have got Gerry as a dictionary to use occasionally. They remind me of the old proverb — 'give 'em an inch and they'll take an ell.'

⁴ Benjamin Lincoln (H. C. 1777), born in Hingham November 1, 1756; studied law with Levi Lincoln, of Worcester; an attorney in Boston; died January 18, 1788. Hist. of Hingham, vol. i. part ii. p. 332.

son, and Dr. Adams,¹ son to the president of the Senate, died last week.

22d. This afternoon, Leonard White called on me, and sat about half an hour. He came from Haverhill this morning, and returns to night. Between four and five I received an invitation from Putnam and F. Bradbury to join them for a party at sleighing. Though not peculiarly desirous to go I did not refuse; and at about six o'clock we started. We went to Sawyer's² tavern, about three miles off, and there danced till between twelve and one. The company was rather curiously sorted, but the party was agreeable. I danced with the eldest Miss Frazier, with Miss Fletcher, and with Miss Coats.³ Miss Fletcher appears to be about twenty. She is not tall, but has what is called a very genteel shape. Her complexion is fair, and her eye is sometimes animated with a very pleasing expression; but unfortunately she is in love, and unless the object of her affections is present she loses all her spirits, grows dull and unsociable, and can be pleased with nothing. This evening she was obliged to dispense with his company; and the usual effect took place. I endeavour'd as much as possible to bring on a conversation; but all to no purpose.

"She sat like Patience on a monument,
Smiling at grief."⁴

And, as I found she could talk only in monosyllables, I was glad to change my partner. Miss Coats is not in love, and is quite sociable. Her manners are not exactly what I should wish for a friend of mine; yet she is agreeable. I am not obliged with her both to make and support the conversation; and moreover, what is very much in her favour,

They obtain'd a vote to question Mr. G. on certain Articles; from this they wish'd to give him the privileges of a deligate, and allow him to speak to Article wch motion F. Dana opposed with violence. The issue was interrupted by an adjournment till Monday next. I am sorry to say that the objections are principally founded on misconstruction. I embark for Lancaster next Tuesday morning. Shou'd have gone before had not the debates prevented."

Several of J. Q. Adams's college friends gathered in Boston from the surrounding towns to attend the debates, and sent him accounts of the proceedings.

¹ Dr. Samuel Adams (H. C. 1770), only son of Samuel Adams, born in Boston October 27, 1751; prepared for college at the Latin School; studied medicine with Dr. Joseph Warren; served as a surgeon from Lexington and Bunker Hill to the end of the war; an invalid for many years; died January 17, 1788. J. Thacher, *American Medical Biography*, p. 89.

² Sawyer's tavern on the Bradford road, just beyond the Artichoke River, near Brown's Springs, nearly opposite the house in which President Felton of Harvard was born, and not far from Tristram Dalton's country estate.

³ Elizabeth Coates, only child of Captain David Coates; married, November 2, 1791, John Greenleaf, son of Judge Benjamin Greenleaf; died a year later, aged twenty-seven. J. E. Greenleaf, *Genealogy of the Greenleaf Family*.

⁴ Twelfth Night, Act ii. Scene 4.

she is an only daughter and her father has money. We return'd to town a little after twelve; but the weather was not very agreeable, as it snow'd violently. After we had carried home the ladies, Putnam came to lodge with me. We sat and chatted about an hour, and then retired to bed.

23d. . . . I pass'd the evening at Dr. Swett's. Mrs. and Miss Cazneau were there. We had some agreeable and entertaining conversation, but singing soon came on to the carpet, and then the usual nonsense succeeded. I believe I will try one of these days and see if I cannot stop the career of this same singing, at least for one evening. I even got quit this time with singing once. In order not to appear singular, I was in the common way urging Miss Cazneau to sing; she told me she would upon condition that I should sing first. I humm'd over a tune; but avoided claiming the fulfilment of Miss C's promise, and so she would not sing, which happened very much to my satisfaction. A short time before nine I left them.

24th. Mr. Atkins returned from Boston, but brought me no letters, which is somewhat surprizing to me. The quaternity pass'd the evening at Putnam's lodgings. Little left us, however, at about eight o'clock. Townsend came in soon after; and between nine and ten I walk'd with him. I began yesterday upon another attempt to ascend Parnassus; and this time I am determined to take it leisurely. I have frequently made a trial of my strength in this way; but my patience has always been overcome after proceeding but little. I have, I suppose, begun an hundred times to write poetry. I have tried every measure and every kind of strophe, but of the whole I never finish'd but one of any length, and that was in fact but the work of a day. It is contained in a former volume of this Journal.¹ I fear I shall end this time as I always do. The Convention are now proceeding in the examination of the proposed Constitution by sections; but we cannot yet presume how the scale will turn.

25th. Leonard White came from Haverhill again yesterday, and called to see me this morning. He informed me that both my brothers were at Haverhill. In the evening I went with him to Dr. Swett's, and pass'd an hour with Little. I communicated to Little my design of drawing a number of female characters, but I doubt whether it will ever be anything more than a design.

26th. At home as usual all the evening. Read a little in Gibbon. Wrote in the same slavish way as I have done now for more than three years. But I feel dull and low spirited. I have neither that insatiable ambition, nor that ardor for pursuing the means to gratify it, which not long ago was an argument which my vanity offered my mind to prove that, if life should be given me, it would not be to live unknow-

¹ Printed by H. Adams in *Historical Essays*, pp. 118-121.

ing and unknown. I feel no extraordinary inclination for study of any kind. Putnam reads law as fast, or faster than I do; and, if there is to be no alteration in the situation of my mind, he will make greater improvements in his three years than I shall in mine. Before the cold weather came on, I expected to derive great advantage from the long winter evenings which were approaching. In my imagination, I had written volumes and read books without number. Yet so totally different has been the event, that I have written scarcely any thing except what this book contains, and, though I began Gibbon three months ago, I have not got half through the second volume. In my Lord Coke I trudge along at the rate of about eighty pages a week, and do not understand a quarter part of that. Yet when I call myself to an account an[d] enquire how I mis-spend my time, I do not find a spirit of dissipation in my conduct. I have, I believe, upon an average, spent one half of my evenings this winter at home; and, when I do, I almost always hear the morning clock. I somewhat suspect that irregularity is one great cause of my poor success, and, as I am peculiarly fond of trying experiments, I will attempt soon to be periodical in my visits at home and abroad. If this will not do, I can only submit to my fate.

27th. Heard Parson Carey, the whole day. In the forenoon he was intolerably lengthy, as the weather was very cold. I intended to have visited somewhere this evening, but got engaged in writing to Packard, which employ'd me till ten o'clock.

28th. Mrs. Hooper's family are in great distress. Ben was brought home dead last night between twelve and one o'clock, and to make the misfortune as great as possible there is every reason to suppose that he was the wilful author of his death. He had been from town more than a week, and on Saturday night he took a quantity of liquid laudanum at Robertson's tavern in Salem; he died in violent convulsions in the course of the same night. The verdict of the coroner's jury, it is said, was wilful self murder, but the information is indirect, and therefore not entirely to be depended upon. To his mother the shock must be dreadful. Indeed she seems to have been marked out for misfortune. Her father was formerly one of the wealthiest merchants in this town, and her education was suitable to his fortune. She married a Mr. Hooper, whose circumstances were no less advantageous, and entered, but little more than twenty years ago, upon the stage of the world with the most pleasing prospects. But her husband was a man of pleasure and dissipation, and moreover opposed to the late revolutions, wherefore he left the country at the beginning of the late war, and went to England, where he still remains; since that time she has been reduced to the necessity of supporting herself and her three children by taking boarders. For although several of her husband's nearest connections are still persons of the greatest affluence that

are in the town, yet she has never received much assistance from them.

Donec eris felix, multos numerabis amicos :

*Tempora si fuerint nubila solus eris.*¹

She endeavoured to educate her children as well as possible ; but a father's care was wanting, and indulgence is the defect even of the most accomplished women. Ben, for several years, had followed the sea, and, in the fall, was disappointed of sailing with Callahan for London. He had been very dissipated and debauched ; he found himself destitute of employment ; his reputation lost, his means of continuing in the course of life which he was pursuing gone, and his resolution insufficient to reform his conduct. He determined to put an end to all the disagreeable feelings of his mind, and to "die in the bed of honour," as he expressed it. He was scarce nineteen years old. Such was the deplorable fate of a youth, whose disposition was such that he would have injured no one but himself, and who might have been an ornament to society had he been educated under the prudent severity of a judicious father. They intend to bury him to-morrow, but it is doubtful whether the unfeeling passions of the multitude will suffer them to make a public funeral. My brothers Charles and Tom came into town this forenoon. After dinner, I took a ride in a sleigh up to Sawyer's, with three of the Bradburys and Charles ; drank tea at Mr. Tufts's. I pass'd the evening and supped at Mr. Jackson's. Dr. Kilham was there, and as usual conversed upon political subjects. Charles spent the evening at Mr. Frazier's, but came and lodged with me.

29th. It snow'd part of the forenoon ; then turn'd to rain, and, after making the streets very disagreeable, cleared up in the afternoon. I dined with my brothers at Mr. Bradbury's. We had some conversation upon the subject of Ben Hooper's funeral. I could not agree in sentiment with Mr. Bradbury. I told him that although I abhor'd the action itself as much as any one, yet after a man was dead to refuse to attend his funeral would only be an insult upon the feelings of his friends, without being any kind of punishment to him. And indeed I cannot but think that laws against suicide are impolitic and cruel, for how can it be expected that human laws, which cannot take hold of the offender personally, should restrain from the commission of this crime the man who could disregard the natural and divine laws, which upon this subject are so deeply imprinted upon the heart ? When we consider too how easily such a law may be evaded, how many ways a man might put a period to his own existence without exposing himself to the severity of any law that the human fancy could invent, we can only suppose that these punishments must fall merely upon a thoughtless youth, or upon one ignorant of the existence of such regulations.

¹ Ovid, *Tristia*, I. viii. 5, 6.

Mr. Bradbury, however, thinks differently and is perhaps in the right. I pass'd about an hour in the evening with Putnam; he then went with G. Bradbury and my brothers into a company of young ladies; and I cross'd the street and sat till nine o'clock with my friend Thompson. Tom lodg'd with me.

30th. I went up to the office in the morning, and sat a couple of hours; but I felt restless and dissipated. I could not study, and therefore walk'd down in town and saunter'd about. Dined with G. Bradbury and Charles at Mr. Hooper's. He is very sanguine in his hopes for the adoption of the Constitution. Pass'd the evening at Mr. Bradbury's. Dr. Smith and all his family were there. We had some music in the beginning of the evening, and afterwards play'd a number of very amusing sports, such as start; what is it like; cross questions; I love my love with an A; and a number more. My opinion of such diversions I have already given, when it was confined to a number of young persons; but that the most inexcusable levities of youth should appear in the garb of old-age is something that calls for more than disapprobation, nor will a grey hair'd trifler excite our pity merely, but must raise our indignation and contempt. Mr. Bradbury,¹ however, is a very respectable man; and, as this conduct has here the sanction of custom, it is not him but the manners of the times that I blame.

31st. The weather somewhat cold. My brothers dined with me, and between three and four o'clock we all set off for Haverhill. We got there just after five, a little fatigued. The riding was not bad, but in some places the cold had not been strong enough to harden the snow and the road was sloppy.

Friday, February 1, 1788.

Pass'd a great part of the forenoon at Mr. Thaxter's. He is now quite in the family way; he dined with us at Mr. Shaw's, as did Leonard White and ——. In the afternoon we rode in a couple of sleighs about six miles down upon the river, and return'd just after dark. The party was agreeable; but —— was an object of great pity. He has ruined his reputation irrevocably; the fairest life henceforward could only heal the wound; but the treacherous fear must forever proclaim in indelible characters that he once fell. Nor can his dearest friends help acknowledging to themselves that this is viewing the

¹ Mr. Theophilus Bradbury (see *supra*, p. 325) was apparently fond of a social good time. In 1766, it is said, he and his wife "with several leading citizens of Falmouth" (*i. e.*, Portland) were indicted for the crime of dancing at a tavern; but won the case in the courts on the plea that the room was not a place of public resort because hired for private purposes, etc. W. B. Lapham, *Bradbury Memorial*, p. 89.

prospect in its fairest light. To consider the appearances such as they must present themselves to the imagination of one disposed to see objects in their most unfavorable colours, must be shocking to the feelings of every one who was once his friend. He appears to be in a perpetual state of humiliation; he can enter into no satisfaction express'd by the company in which he appears; he can enjoy no amusement and must feel a conscious inferiority to every one with whom he associates. Yet if he can be recovered at all it must be by softening measures. And those persons who wonder why people keep company with him, and wish rather to insult him in his distress, are in my opinion to be esteemed but little better than himself. The disposition in human nature to sink a man that has fallen still lower than he is would afford one of the richest themes for a misanthropist.

2d. I dined with — at Mr. Thaxter's. My brothers both dined at Mr. White's. In the afternoon we rode again in sleighs upon the river as far as we went yesterday. We had a number of songs, somewhat in the collegiate stile; but, in order to be exemplary, return'd home quite early in the evening. Mr. Thaxter lives very agreeably, and has retracted his theory with respect to matrimony; and indeed, I believe, our sex are not less prone than the other to profess a system which in fact we wholly disbelieve. Mrs. Shaw shew me a letter which she has been writing to —; and I am in hopes it may have a good effect upon him. If he has any sensibility, or any principles remaining he must be affected by it. I had with Mr. Shaw some conversation upon the subject of the disorders which happened at College in the course of the last quarter. His fears for my brothers are greater than mine. I am persuaded that Charles did not deserve the suspicions which were raised against him; and I have great hopes that his future conduct will convince the governors of the University that he was innocent.

3d. I attended meeting twice this day. Mr. Shaw as usual had company in the evening. I conversed with Madam. Charles and Tom went out in the evening.

4th. This morning between seven and eight o'clock my brothers set out to return to Braintree and from thence to Cambridge, as the vacation closes next Wednesday. In the forenoon I went down to see Leonard White, who was not at home. I met him however in the street with Mr. M'Hard, to whose house we went and sat an hour. I dined at Mr. Shaw's, and at about four was on my horse. I got home by dark, though the roads were much worse than when we went to Haverhill. I found my old lady had some company, but they soon went away. I pass'd all the evening at home quite in low spirits, as indeed I have been for a week or ten days past. Not even dissipation has been able to support me. My nerves have got into a disagreeable trim, and I

fear I shall be obliged to pay still less attention to books than I have of late; and, if that be the case, I am sure I must be very ignorant when I leave the title of a student. It seems very unfortunate that there should be no medium but that a man must be a fool or an invalid.

5th. The weather this day has been extreme cold. I have not experienced the severity of the season so much since the winter I pass'd in Sweden.¹ I pass'd the evening with Townsend and Amory at Dr. Smith's. The old man is very fond of telling long stories, and indeed it is quite necessary to attend to him. There are, however, two young ladies in the house, to whom we attend with much more pleasure. Miss Smith may be twenty years old; she is not handsome, but has a great degree of animation in her eye, and, as the want of it appears conspicuous in every other feature, the mixture of opposites has a singular effect upon her countenance. Her person is not elegant, nor is her taste in dress such as suits my mind. She has a satirical turn, and is fond of being esteemed witty. So much, I think, I can judge from the short acquaintance I have with her; perhaps at some future period I may be able to say more. Miss Putnam I will mention the next time I fall in company with her. We play'd at whist about a couple of hours; after which we sung or attempted to sing; for, of all the company, Amory was the only one that could sing so as to give any kind of entertainment.

6th. The weather has moderated very considerably. In the evening I walked with Thompson and Putnam to Little's, where we past the evening till nine o'clock, quite agreeably, without ceremony or restraint.

7th. This day, at about noon, the news arrived in this town that the Federal Constitution was yesterday adopted and ratified by a majority of nineteen members in our State Convention. In this town the satisfaction is almost universal; for my own part, I have not been pleased with this system, and my acquaintance have long-since branded me with the name of an *antifederalist*. But I am now converted, though not convinced. My feelings upon the occasion have not been passionate nor violent; and, as upon the decision of this question I find myself on the weaker side, I think it my duty to submit without murmuring against what is not to be helped. In our government, opposition to the acts of a majority of the people is rebellion to all intents and purposes; and I should view a man who would now endeavour to

¹ On his return from Russia to Holland at the close of 1782. Travelling alone, being then fifteen years of age, he reached Stockholm on the 23d of November. There spent five very pleasant weeks, and, on the last day of the year, set out for Copenhagen; but it took him six weeks to get there. It was the 20th of April before he rejoined his father at the Hague, six months, lacking ten days, from the date of his leaving St. Petersburg.

excite commotions against this plan, as no better than an insurgent who took arms last winter against the Courts of Justice. This afternoon I went, in company with a number of young ladies and gentlemen of this town, upon a sleighing party. We rode about eight miles into Newbury, and by dark return'd to Sawyer's tavern. After drinking tea we went to dancing, and, excepting supper, continued so till about midnight. I danced with Miss Coats and Miss Smith, both of whom were very agreeable partners. At twelve we broke up, and return'd home. Thompson came and lodg'd with me. Mr. S. Cutler¹ came and sat about half an hour with me; he was exceedingly mortified at having upset his sleigh. Some of the ladies were affronted, and some affrighted; so that, in returning, he had somewhat of an uncomfortable time, sweating between two fires. In the company was an Irish gentleman by the name of Hutchinson, a man of genuine wit and humour, and a person of much reading and information. He has a vessel here loading, and expects to sail for Ireland in a week or ten days.

8th. This afternoon the delegates from Newbury and from this town returned home from Convention. A number of very respectable citizens, and a number who were not very respectable, went out on horse-back to meet the members and escort them into town; as they came along the bells at the different churches were set to ringing, and this noisy expression of joy was continued with some intermissions till eight o'clock in the evening. The mob huzza'd, and one would have thought that every man from the adoption of the Constitution had acquired a sure expectancy of an independent fortune. I pass'd the evening at home in reading and writing.

9th. Mr. Parsons gave me this morning a packet of letters which I have been expecting these five weeks. There was, however, but one short letter from Europe. In the afternoon Amory went for Salem. I took a ride with Townsend, S. Cutler, J. Greenleaf,² Prout,³ Thompson, and three or four ladies in a sleigh. We rode out as far as Mr. Dalton's farm; and, after taking something of a circuitous rout, return'd and took tea at Sawyer's. After passing an hour we all return'd to

¹ Samuel Cutler, born in Boston October 5, 1752; married, January 8, 1794, Lydia Prout (born March 8, 1769); both were drowned, January 28, 1832, by the capsizing of the schooner Rob Roy between Portland and Newburyport; a merchant; in later life president of an insurance company; also vestryman and warden of St. Paul's Church. N. S. Cutler, Cutler Memorial, p. 365.

² Presumably John Greenleaf, son of Judge Benjamin Greenleaf; born July 8, 1760; married, November 2, 1791, Elizabeth Coates; resided in Newburyport and in Topsham, Me.; served in the War of 1812; died about 1830. J. E. Greenleaf, Genealogy of the Greenleaf Family, pp. 176, 427.

³ William Welsted Prout (1761-1809) in 1794 had a store on High Street; later cashier of the Newburyport Bank; married Sally Jenkins; left no children. His portrait, as a young man, is in the rooms of the Newburyport Historical Society.

town. I spent the evening at Mrs. Hooper's. It was the first time I had been there since her misfortune. She bears it well, though frequent sighs rise deep from her breast. Mr. L. Jenkins¹ was there, a good, honest, simple soul, without the least kind of harm in him. Miss Lucy Knight was there too. She has a very amiable countenance, a fine form and a benevolent disposition. Townsend says she has no sensibility, and I think her countenance wants some of that expression which communicates the charm of sympathy to our souls. She may be possessed of many virtues, and if so will attract my esteem and respect; but she is incapable of loving, and therefore could never be an object of love to me. A young fellow by the name of Rogers for a year and an half paid the closest attention to her; and when it was daily expected that they would be published he suddenly left her, and neglected her entirely. She wrote him a letter containing a dismissal, and appears not to have had a disagreeable sensation upon the subject ever since. A disposition like this certainly smooths the path of life; but at the same time it certainly serves to make it narrow and contracted.

10th. I went with Townsend in the forenoon to hear Parson Tucker; he gave us an excellent discourse upon Ecclesiastes VII. 17. Be not over much wicked, neither be thou foolish: why shouldest thou die before thy time? Without alluding to the late circumstance of Hooper's death, it appeared plainly that the sermon was dictated by that occasion; and it was very well adapted. He particularly exhorted his hearers to avoid scenes of debauchery, of lewdness and intemperance, and, with his usual liberality and ability, recommended the opposite virtues. I did not attend meeting in the afternoon; but wrote a little and read a great deal, as very frequently happens with me. Townsend past the evening and supp'd with me. I have done keeping late hours. I find they are wholly incompatible with my health. I have of late several times, after setting up at writing till one or two o'clock in the morning, been utterly incapable of getting any sleep the whole night. My nerves have got into an unhappy tone, and I am obliged to desist from continued application. My spirits for some time have been low, and I have felt an incapacity of enjoyment; but that is now wearing off, and I am in hopes that, before long, I shall again be able to resume at least as much diligence as I have been used to.

11th. We have had this day very little studying in the office. Mr. Parsons is so fond of telling of all the manœuvres which they used in

¹ Lewis Jenkins married Rebecca Hooper, daughter of Robert Hooper, of Marblehead; a wool-dealer living on State Street; died 1799. Mrs. Tristram Dalton was a sister, and Stephen Hooper a brother, of Mrs. Jenkins. S. A. Emery, *Reminiscences of a Nonagenarian*, p. 236; *Historical Collections of Essex Institute*, vol. xxv. p. 4.

and out of Convention, that he has given the same story to every body that came into the office through the course of the day.¹ He mentions with great complaisance the formidable opposition that was made, as it naturally enhances the merit of the victory. He speaks with pleasure of every little trifling intrigue which served to baffle the intentions of the *antifederalists*; though many of them to me exhibit a meanness which I scarcely should expect a man would boast. Mr. Parsons makes of the science of politics, the science of little, insignificant intrigue and chicanery. These principles may possibly meet with success sometimes; but it is my opinion that fair, open and candid proceedings add an influence as well as a lustre to the most brilliant capacity. I called just before dark to see Mr. Hutchinson, but he was not at his lodgings. I then went home, took my flute, and went to see Putnam, with whom I play'd a number of tunes. Frank Bradbury was there. Between nine and ten we both came away. I got home with some difficulty, as the walking in the streets is excessively slippery.

12th. In the beginning of the evening I called upon Mr. Hutchinson, and look'd over his music. He plays on the flute, and has a good collection of musical books. I found Townsend and Amory there. Between seven and eight I went to Mr. Bradbury's, where I found a number of the young gentlemen and ladies dancing. I took a share in the diversion, which we continued till midnight, when I return'd home. I danced with Miss Nancy Jenkins, a very pretty girl, about seventeen, not entirely free from affectation.

13th. This afternoon I had something of a long conversation upon the subject of the ball, which is intended to be on Thursday. He had determined not to go; but upon consideration of several circumstances which I mentioned to him, he came to an alteration in his sentiments. He was something piqued at not having an invitation to join our party last week; but when I informed him of the reason for which he was neglected he was satisfied with its validity. He and Thompson pass'd the evening with me. Little ought to have been of the party; but Miss Cazneau had engaged him to go with her to Captain Fletcher's.

14th. I attended at the office only in the forenoon; the after part of the day being employ'd in rigging for the ball. I had sent a billet to Miss H. Greenleaf² requesting the honor of waiting upon her. She was not engaged and I was taken at my word, which will teach me to be sincere. It was late before I could get a carriage, and, when I went for my lady, I found all the rest of the family were gone, which was against me again. The ball rooms were too small,—not one quarter of the ladies could dance at a time. I danced enough myself, and made out to affront three or four ladies; which is much in my favour.

¹ See W. V. Wells, *Life of Samuel Adams*, vol. iii. pp. 257-262.

² See *infra*, p. 383.

Townsend took cold in making the preparations for this ball, and was so unwell that at about eleven o'clock he went home, and consigned his lady, Miss L. Knight, to me. She being very agreeable was, upon the whole, I believe, more the object of my attentions than another lady. This cannot now be helped, and whatever is, is right. Between three and four in the morning the remainder of the company retired. Putnam lodged with me. The party was perfectly agreeable.

15th. We indulged ourselves this morning till almost twelve o'clock before we rose. I called at the office, and pass'd about half an hour there. I felt rather dissipated, and somewhat indisposed for study. In the afternoon, when I called at the office I found Mr. Wendell there, — a singular eccentric character with whom I was acquainted while I was in College, and whom I have probably mentioned before now. He still persists in his singularities, and in walking from Boston the day before yesterday froze one of his feet. Townsend is quite unwell; has an uncomfortable cough and sore throat. But he went with me to visit several of the ladies who were of the company last evening. We first called at Captain Coombs's,¹ where we only found Miss Nancy Jenkins. She holds her head too stiff for elegance and has read too many novels, which render her manners rather fantastical and affected. We stopped a few moments to see Miss Coats, who was well, and we then went to Judge Greenleaf's, where we drank tea. Here were young ladies, I had almost said, innumerable; a choice of every complexion, and probably of every disposition. Among them all Miss Derby has the most promising appearance; but she in company is

¹ Philip Coombs, father of William, came to Newbury from the island of Guernsey, was converted under Whitefield, and was one of the founders of the First Presbyterian Church. He was taken as a prisoner of war to France, where he died in 1759. William Coombs, mentioned in the diary as Captain Coombs, was born in Newburyport in 1736, where he died May 28, 1814. He was actively engaged in maritime life till he was forty years of age, when he devoted himself to merchandise. Coombs Wharf is named for him. He owned numerous vessels. His last voyage was just before the Revolutionary War, in order to obtain a supply of arms and ammunition for the impending contest; an undertaking in which his success exceeded his expectations, and he generously turned over to the authorities without compensation the results of his venture. Captain Coombs was an ardent patriot, and did good service as a member of the Committees of Safety and Correspondence, which held the power of government till regular authority was restored. He was a Representative in the Legislature, President of the Marine Society, President of the Merrimac Bible Society, trustee of the Dummer Academy, Chairman of the School Committee, superintendent of the erection of the Essex-Merrimac Bridge, and of the Plum Island Lighthouse, and Vice-President of the Humane Society, which gave him a gold medal for saving a life when he was seventy-six years of age. He was a member of the First Presbyterian Church, and was noted for his piety, urbanity and generosity. His funeral sermon, by Rev. Daniel Dana, D.D., was published. Manuscript notes of Rev. Horace C. Hovey, D.D., pastor of the First Presbyterian Church in Newburyport, Mass.

reserved. The Judge talk'd about religion and politics, and Mrs. Greenleaf pass'd encomiums upon the British Constitution; but the young ladies were all silent.¹ We took our departure quite early, and I pass'd the remainder of the evening at Mrs. Hooper's where I found Miss Knight and Mr. Cutler. Learnt to play quadrille.

16th. The most violent snow storm that has appeared in the course of the winter; it began in the night, and continued all this day. In the evening it cleared up. Townsend was not out. Amory and I dined with Mr. Parsons. Captain Hodge² likewise was of the company. I wrote a letter in the afternoon, or rather part of a letter, to W. Cranch. From the office we went and pass'd an hour with Mrs. Jackson, where we found Mr. Wendell, feasting upon his apples and nuts. He slept last night in Mr. J. Tracey's green house, which is entirely unprotected from the inclemency of the season; and, the better to enjoy the benefits of the open air, he stripp'd himself entirely naked. He converses in the same style that he did a year ago; and appears to me too consistent for a distracted person, as many suppose him to be. We spent the remainder of the evening at Dr. Smith's. I made an apology to Miss Smith for a blunder which took place at the ball. She appeared plainly to be offended, but was satisfied after I had made my explanation. I know not whether to like or to dislike this girl, but perhaps time will supply me with the means of information. At supper Amory was excessively diverted with the appearance of a Bologna sausage, which the Doctor introduced, and which Mr. Cutler observed would be ripe in June. After supper I got seated next to Miss Putnam, and entered into conversation with her. I found her

¹ Judge Benjamin Greenleaf married, January 22, 1784, as a second wife, a widow, Mrs. Derby, who survived him many years. The daughters were Sarah (born June 21, 1763; died in old age unmarried), Mary (born November 1, 1765, died unmarried), Hannah (born November 1, 1765; married, September 22, 1807, Robert Boyd, of Portland, Me.), Jane (born July 23, 1768; married April 12, 1802, Ralph Cross, of Portland). J. E. Greenleaf, *Genealogy of the Greenleaf Family*, pp. 426-428.

² Captain Michael Hodge, a sea-captain previous to the War of Independence; one of the founders of the Marine Society of Newburyport in 1772, its secretary for twenty-six years and its president for six; appointed in 1776 naval officer of Newburyport, and probably held office until 1789; appointed in 1789 surveyor of the naval district which included Newburyport, Salisbury, Amesbury and Haverhill; held this office until his death, June 24, 1816. A member of the First Parish Church, he read the Declaration of Independence from the window of its meeting-house to the people gathered in Market Square below; was active in fortifying the mouth of the Merrimac River, in 1775 one of six captains of guns for the protection of the port; 1778 first lieutenant of the Newburyport (independent) Artillery Company; on the staff of General Jonathan Glover, of Marblehead, in the expedition to Rhode Island in 1778; town clerk 1780-1789; selectman 1783-1785; died June 24, 1816, aged seventy-three. Hurd, *Hist. of Essex County*, pp. 1750-1753; Two Hundred and Fiftieth Celebration of the Town, p. 98.

inclined to flattery, a defect not uncommon among our young ladies; and I answered her in her own way, as I always do. When a lady pays me a compliment I always consider myself indebted to her untill I return one at least of equal value; and I am generally so good a creditor that I pay with large interest. I have even once or twice in my life so far surpassed a lady in that way as to silence her, and make her ashamed of attacking me with those weapons; but I never flatter a lady that I esteem.

17th. Parson Carey is very sick; and consequently we had no meeting. So I staid at home; wrote a long letter to my friend Fiske,¹ and a page or two some ways back in this book. In the evening I went to Mrs. Hooper's to see Townsend, whom I found very hoarse, and with a bad cough. I pass'd the evening there, as likewise did Mr. S. Cutler. Within these two years Townsend has lost two brothers and a sister by consumptions, and it is much to be feared that he himself will be subject to the same misfortune. I am in hopes, however, that by their fate he will be warn'd to take such care of himself as will preserve his life and lengthen his days; for I feel a great degree of friendship for him.²

18th. After passing the day at the office, I went and pass'd the

¹ "Oliver Fiske of Brookfield will be twenty-five the 2d of Septr. next. Solidity of judgment, independence of spirit, and candour of disposition are the chief characteristics of this gentleman. As a scholar he stands on the first line in the class, and his honour is unblemished. His circumstances are not fortunate, and he has been often absent from College. He was with General Lincoln in Berkshire the greater part of the last winter, and wishes to follow a military life after leaving the University. He would make, I believe, a very good officer, and whatever his profession may be, he will be certainly an excellent man." J. Q. Adams, March 25, 1787. Dr. Oliver Fiske (H. C. 1787), son of Rev. Nathan Fiske, D. D. (H. C. 1754), pastor of the church in Brookfield (1758-1799); born September 2, 1762; volunteered for service in the war, in 1780, and was stationed near West Point at the time of the treason of Benedict Arnold; returned to Brookfield and assisted his father on his farm until 1783; at the time of Shays's Rebellion, active in the Marti-Mercurian Band of University students; in the winter vacation of 1786-1787 engaged to teach school at Lincoln, but when the insurgents interfered with the courts at Worcester hired a substitute and joined General Lincoln's army; studied medicine under Dr. Atherton, of Lancaster; began practice at Worcester October, 1790; active in forming the Worcester Medical Society, and was chosen its secretary. A petition to the Legislature for incorporation led to a reorganization of the Massachusetts Medical Society and the creation of district associations; September 26, 1804, the Worcester District Society was organized; 1806 Dr. Fiske chosen President; February, 1803, appointed Special Judge of the Court of Common Pleas; 1809-1814 member of the Executive Council; 1816-1821 Registrar of Deeds; interested in agriculture, planting a nursery of fruit and ornamental trees; Secretary of the Worcester Agricultural Society; 1815 Corresponding Secretary of the Linnæan Society of New England; Councillor of the American Antiquarian Society; died in Boston January 25, 1837. F. C. Pierce, *Fiske and Fisk Family* (1896), pp. 372, 373, 495.

² Townsend died in 1826, aged sixty-three.

evening at Mrs. Hooper's. Townsend's cough hangs upon him, but he is getting better. We play'd quadrille till supper time. Miss Knight is still there; she is very handsome and very amiable, yet not very interesting.

19th. Called upon Putnam after leaving the office, and passed the evening at his lodgings. I have a greater regard for this young fellow than I had when at College. He is friendly and good-natured, and pursues his studies with diligence and attention. Perhaps indeed that now the warmth of emulation has subsided, and we can in no instance be rivals, neither he nor I view each other in the same light that we did nine months ago.

20th. Mr. Parsons went yesterday to Boston, to attend the Supreme Judicial Court. This evening I past with Thompson at Mrs. Emery's. Miss Smith and Miss Putnam were there. We play'd cards about an hour; after which Miss Emery play'd us a number of tunes very agreeably upon the harpsichord. I had another match with Miss Putnam at complimenting, and succeeded tolerably well.

21st. Mrs. Emery and her daughter were going to Exeter this morning in a single sleigh. Dr. Kilham and I, after greatly debating the question, had likewise determined to go: so we agreed to divide. The Doctor went with Mrs. Emery, and I with the young lady. It was just eleven o'clock when we started; and the roads were so difficult that we did not get to Exeter till three, nor the other sleigh till five. After sitting down my companion I went and dined; and then immediately proceeded to the meeting-house where the State Convention for the State of New Hampshire were debating upon the subject of the Federal Constitution. I found Mr. Pickering,¹ a member from Portsmouth, zealously, though I cannot add very forcibly, arguing for the good cause. Several other members spoke; but none of them, in my opinion, much to the purpose. They have gone through the system by paragraphs; and are now considering it generally. I found Mr. Shaw, Mr. Thaxter, and a number more of our Haverhill friends there, and pass'd the evening with them at Mr. Peabody's, a friend of the Doctor's, where we lodg'd; for there was not a bed to be had at any of the public houses. We were disappointed of an assembly this evening as we expected; and the debates, I really think, were not worth the ride in a cold day; but the satisfaction of riding with an amiable girl, and the novelty of the town, which I never saw before, will in some measure compensate for the failure of my expectations.

¹ John Pickering (H. C. 1761), born in Newington September 22, 1737; studied theology and law; Attorney-General of New Hampshire 1786; member of the State Convention 1791-1792; repeatedly a member of the Legislature; President of the Senate in 1789; 1790 appointed Chief Justice of the Supreme Court of New Hampshire; later District Judge of the United States; died April, 1805. New Hampshire Prov. and State Papers, vol. x. p. 30.

22d. I attended to hear the debates in Convention again this forenoon. Mr. Langdon¹ began by making a motion that the Convention should adjourn to some future day, but said he would waive his motion if any gentleman had further observations to make upon the system. Mr. Atherton,² the leader of the opposition rose, and in a speech of more than an hour recapitulated every objection that he could invent against the Constitution. He observed that *confederation* was derived from the Latin word *foedus*; and that *consolidation* was a metaphorical expression borrowed from the operations of chemistry. These were two of his most ingenious ideas; and, upon the whole, I think, he may candidly be pronounced a miserable speaker, and a worse reasoner. A reverend Parson Thirston³ spoke as long, and as little to the purpose, on the other side. He talk'd of France's demanding her money with the dagger in her hand; and of Britain's sending 50 sail of the line and 60,000 men to take New Hampshire; but did not even attempt to support the plan upon the fair and honourable basis of rational argumentation. When these two gentlemen had exhausted the resources of their lungs, the motion for an adjournment was again brought upon the carpet. This was the offspring of the fears of the Federal party; and was faintly opposed by the other faction, who appeared to be equally fearful of the event, though more confident in their numbers. The vote for adjournment, however, was carried by a trifling majority. The time and place at which they should meet again was a subject of some conversation; but finally the third Wednesday in June, and Concord were agreed upon. We dined at Mr. Peabody's. Dr. Kilham was troubled with the impertinence of one Hopkinson, a distracted fellow, who came and pretended to call him to an account for coming and intermeddling with concerns in which he was not interested. A little after three we got into the sleigh, and be-

¹ John Langdon (1740-1819), leader of the Federal forces in the Convention; one of the most noted men of New Hampshire, having served as delegate to the Continental Congress, as Speaker in the House of Representatives of New Hampshire, as a Judge, as a member of the State Senate, and as "president" of the State. Later was the first President *pro tem.* of the United States Senate and Governor of New Hampshire. See J. B. Walker, Hist. of the New Hampshire Convention, pp. 7, 29; also letter from John Langdon to Rufus King, dated February 23, 1788, in Bancroft, Hist. of the Constitution, vol. ii. pp. 461, 462. Some members, convinced that ratification was wise but unwilling to vote contrary to their instructions, asked an adjournment.

² Joshua Atherton (H. C. 1762), born in Harvard, Mass., in 1737; a lawyer at Amherst in 1772; was imprisoned in Amherst jail for favoring the Loyalists, but later regained the confidence of the community. In 1793 was a State Senator, and later Attorney-General of New Hampshire; died April 3, 1809. New Hampshire Prov. and State Papers, vol. x. p. 35.

³ Rev. Benjamin Thurston (H. C. 1774); ordained at North Hampton, N. H., November 2, 1785; dismissed October 27, 1800; died 1806, near Raleigh, N. C. J. B. Walker, Hist. of the New Hampshire Convention, p. 9.

tween six and seven cross'd the river from Salisbury. I immediately went to Thompson's. I found Little there, and Putnam came in soon after. We pass'd the evening in sociable chat till nine, when I returned home.

23d. When I went to the office this morning I found young Pickman¹ of Salem there. I was acquainted with him somewhat in Europe, and I believe he is mentioned in the first volume of this repository (repository!) He has been studying more than two years in Mr. Pyncheon's² office, and proposes now to pass five or six months in Mr. Parsons's. And I shall be very happy in this additional companion, as Townsend and Amory are both soon to leave the town. I pass'd the evening at home, and my friend Little spent it with me. Wrote nothing, though it was very necessary.

24th. Mr. Carey is still very sick, and we had no divine service this day at his meeting. I again pass'd the whole day at home. I was tired in the evening and took a walk as far as Deacon Thompson's; and desired Tom to come and pass an hour with me, which he did. I called at Putnam's but he was not at home. I wrote diligently in the course of the day, and acquired some little credit.

25th. Pass'd the evening at Merrill's with Mr. Hutchinson, and had some very agreeable musical entertainment. Mr. H. is a performer upon the flute, and has a good collection of books. He has been waiting a fortnight or three weeks for favorable winds to sail for Ireland. Captain Cazneau and Captain Casey were there part of the evening.

26th. This forenoon, while I was at the office, I received a billet from Mr. Dalton, with an invitation to spend the evening at his house. Between six and seven I went, and was introduced into a room full of ladies, with no other gentleman but the master of the house. The situation was not perfectly agreeable; but I was relieved by a proposal of cards. I sat down to a game of whist with Mrs. Jones, a lady from Boston, Mrs. Marquand³ and Fanny Jenkins, who soon after resigned

¹ Benjamin Pickman (H. C. 1784), son of Colonel Benjamin Pickman, a successful merchant of Salem; born September 30, 1763, in Salem; educated at Dummer Academy under "Master Moody"; did not practise law, but engaged in commerce; was a Representative and a Senator in the Massachusetts Legislature; a member of the Governor's Council, 1805; of the Constitutional Convention of 1820, and of Congress, 1809-1811; an Overseer at Harvard, 1810-1818, and president of many historical and literary societies in Salem; died August 16, 1843. He married, October 20, 1789, Anstiss Derby, daughter of Elias H. Derby, the most eminent merchant in Salem. Hurd, 248 b.

² William Pyncheon (H. C. 1743), born in Springfield, Mass., December 12, 1723; studied law with Stephen Sewall, of Salem; died in Salem March 14, 1789. W. T. Davis, *Hist. of the Judiciary of Massachusetts*, p. 300.

³ Presumably the wife of Joseph Marquand, one of the most prominent merchants in Newburyport. He fitted out privateers during the war and took several prizes, with one of them, it is said, the library of the Governor-General of Can-

her seat to *Miss Dalton*, emphatically so called even by her parents, which is rather unusual, but a custom which is claiming introduction. Major Greenleaf and Mr. Hooper¹ came in before supper, which was at about ten o'clock, and which was formal, ceremonious, and consequently elegant. The company gradually retired after supper, and between eleven and twelve Mr. Hooper gave me a place in his sleigh and I came home. The narrative is about as uninteresting as the scene. I found myself in the midst of a large company of ladies, with none of whom I had an acquaintance sufficient to warrant an agreeable familiarity. I soon got seated at a card table, with ladies whom I did not sufficiently admire. Mrs. Jones is young, uncommonly handsome; and, having received her education in Europe, is the arbiter of taste and propriety in the complicated science of female fashions. To be insensible to all these advantages would have the appearance of stupidity or of ingratitude; and Mrs. Jones takes every opportunity to show how free she is from such *vices*. Soon after we sat down she complained that her gloves pinched her arm excessively; and with some difficulty pulling one of them off she exhibited an arm, the beautiful contour and snowy whiteness of which might fire the imagination of a sensual voluptuary, but which I unfortunately did not think of admiring till it was too late. On the fore-finger of the hand sparkled a costly diamond, which demanded its share of observation; and perhaps in the mind of a polite spectator might revive a question often debated, upon the mutual pretensions of nature and of art to the superiority of beauty. Mrs. Marquand equally professes to dictate the laws of fashion, but could not stand her ground against the irresistible power of the other lady, who could silence her in a moment by the resources which she drew from her English education. Miss Jenkins, she observed, looked very much like Mrs. *Siddons*; and if there is in fact not the most distant likeness, yet the remark might convince us that Mrs. Jones had seen that justly celebrated actress. The only particular in which she varies from the manners of the English ladies is in her ardent affection for her husband. He left her here yesterday, being called by his business to Boston, but is expected here again to-morrow. Yet though this absence is so short, yet she could not hear his name mentioned without fetching a deep sigh. She anxiously enquired for an opportunity to send a letter to him; and when somebody imprudently suggested that perhaps Mr. Jones would not return till Thurs-

ada *en route* for England; lived in a fine house at the head of Marquand's wharf; collector of the port of Newburyport, 1811-1820; died September 6, 1820, aged seventy-two. J. J. Currier, "Old Newbury," pp. 162, 608, 710; Hurd, *Hist. of Essex County*, pp. 1748, 1750; S. A. Emery, *Reminiscences*, etc., pp. 232, 234.

¹ Stephen Hooper (H. C. 1761), brother of Mrs. Dalton; son of Robert Hooper, a wealthy merchant of Marblehead, born July 14, 1741; died January, 1802, in Newbury. He was elected as a Federalist to the Massachusetts Senate in 1815 and 1816.

day, she held her handkerchief to her eyes to conceal the involuntary tear which was undoubtedly excited by the distressing idea. A number of other circumstances, similar to those related, concurred to form the opinion which I entertain of Mrs. Jones's character, and these anecdotes may exhibit it perhaps better than the most laboured description that I could write. This lady has taken so much of my time and of my volume that I must really wait for other opportunities to speak of the other ladies, who were Judge Greenleaf's daughters, Miss Prince and Miss Derby, Mrs. Coffin, and Miss S. Jenkins, besides Mr. Dalton's own daughters,¹ who tell up well.

27th. Mr. Hutchinson sailed yesterday for Ireland. The weather for several days past has been quite moderate; but this afternoon blew up very cold again. I pass'd the evening with Townsend and Pickman at Dr. Sawyer's.² Play'd quadrill with Mrs. Sawyer and Mrs. Hay. The family is very agreeable.

28th. The severity of the weather has been increasing, and is this night but little inferior to the greatest extremities of the winter. Our social club met this evening at Little's. The walk was rather long and bleak; but our enjoyment was sufficient to compensate for that. Notwithstanding Mrs. Jones's opinion, I confess I do not dislike clubs. I think they may be sociable and friendly without being slavish.

29th. A number of us spent the evening at Dr. Swett's. I play'd on the flute an hour or so. I have heretofore mentioned Mrs. Swett. The Doctor perhaps may come under the denomination of a reformed rake. In his youth he was wild, but he has become quite a useful man. Such instances are rare!

Saturday, March 1st, 1788.

The weather is very severe. The month comes in like a lion, and according to the farmer's proverb it must go out like a lamb. I passed my evening in contemplation and in writing at home, and have very little to say for this day.

¹ Ruth Hooper Dalton, born May 17, 1767, married, July 21, 1789, Louis Deblois; Mary, born March 4, 1771, married Leonard White, of Haverhill, August 21, 1794; Sarah, born February 19, 1775, died unmarried in Washington, D. C.; Catherine, born April 13, 1777, died in Alexandria, Va., unmarried. G. T. Little, *The Descendants of George Little*, p. 26.

² Dr. Micajah Sawyer (H. C. 1756), son of a physician in Newbury, brother-in-law of Rev. Ezra Weld, of Braintree; born July, 1737; married Sibyl, daughter of Daniel Farnham, the Loyalist; member of the Committee of Safety appointed in 1774; treasurer of Dummer Academy 1784-1809; member of the American Academy of Arts and Sciences and of the Massachusetts Medical Society; died September 29, 1815. Mrs. Sawyer died July 8, 1842, aged ninety-five. Thacher, *American Medical Biography*, vol. ii. pp. 72-74; Appleton, *Some Descendants of William Sawyer*.

2d. We had no meeting at Parson Carey's. I was employ'd in writing all the forenoon; but after dinner went to hear Mr. Spring. The speculative sentiments of this gentleman upon religion are not such as I should admire. They may, I think, safely be called illiberal; though I am sensible such charges are not in general very liberal. He has adopted all the fancies of the *Hopkintonian*¹ sect, as they are called. These people, while they profess to found their system entirely upon *disinterested benevolence*, by what appears to me a strange inconsistency suppose that it may be agreeable to the general plan of the supreme being to condemn to eternal torments all the human race, except such as have experienced the effect of saving grace. The point upon which Mr. Spring continually harps is, that holiness consists in a total exemption from all selfish ideas, and that all sin originates in selfishness. I suppose he has not preach'd a sermon these ten years without introducing these favorite sentiments. His repetitions are so frequent that they become very tiresome to one whom they cannot convince. But his delivery is very agreeable; there is an earnestness and a solemnity in his manner which I wish I could find in preachers whose doctrines are more conformable to my ideas of truth.

3d. The weather continues extreme cold. The river is fast as low as this town, and many persons have this day cross'd it upon the ice. Townsend set out to go with me this evening to Mrs. Emery's; but would not go in when he found there was company there. It was Judge Greenleaf's family. We play'd at cards and back-gammon as usual; and between ten and eleven I came home. Miss Prince is not handsome, but sociable. She is generally called sensible and very agreeable; but I have imbibed an unaccountable prejudice unfavourable to her from the appearance of her person and manners. Perhaps I ought not to commit such a weakness to writing; but indeed it is a weakness from which, I believe, very few persons can boast of being free. Miss Derby is handsome, but her beauty is stern and forbidding. She is reserved and unsociable; her manners are not wholly exempt from the appearance of pride. But the effects of this passion, and of modest diffidence, so different from it, are similar in appearance, and when the causes of conduct may be various the most favourable construction is always the best. The Miss Greenleafs —

4th. Doctor Kilham² went to Boston this day to attend the General

¹ This is an obvious slip of the pen for "Hopkinsian," the name given to the followers of Dr. Samuel Hopkins, pastor at Newport, R. I. (1770-1803).

² Dr. Kilham failed of re-election; the following year, 1789, an unsuccessful movement was again made in his favor. Its first stages are described in a letter dated February 28, 1789, from James Bridge, then a law student with Theophilus Parsons, to J. Q. Adams, who was recuperating his health at Quincy. "The attention of the wise heads begins to be turned pretty strongly towards the approaching elections. The Hancockianians are bestirring themselves to get

Court. His opposition to the Federal Constitution has made him so unpopular in this town that I do not expect he will be chosen as Representative at the next election; and he may, I think, with this session take his leave of the legislative body for the present. I pass'd the evening with Townsend and Thompson at Mrs. Atkins's. The Justice was not at home. Between seven and eight o'clock, we were alarm'd by the cry of fire; but it was extinguished before we got to the house. While the Doctor is absent, I shall read more than I can when he is here. The intervals between the hours which I pass at the office I usually spend in conversation with him; when he is gone I devote them to reading. I have taken up the second volume of Gibbon, which I have for a long time laid aside; and I am determined to try again to get through this book. I have possessed it several years, and have been all the time just about to read it; but it has been like the hinge of Tristram Shandy's door — never done, because it could be done at any time.

5th. I pass'd the evening with Thompson and Putnam at Mr. Bradbury's. Frank came from Boston this morning, and bro't an account of the interment of his Honor Thomas Cushing, Esqr., who died last week. He has been lieutenant governor of this Commonwealth ever since the establishment of the Constitution; and it is probable there will be a vast deal of electioneering intrigue for the diverse candidates for the place. The paper also contains an extract from the concluding letter of the third volume in defence of the American Constitution, which speaks very favourably of the system proposed by the Federal Convention.¹ I did not expect it, and am glad to find I was mistaken, since it appears probable the plan will be adopted. We play'd cards an hour or two and then amused ourselves with music. There

their idol continued in the chair and Mr. S. Adams into Gen. Lincoln's office. They intend also to change their present representation intirely. Instead of Master Parsons, Coombs and Marsh, your friend Doc. Kilham and Capt. Fletcher are held up for election. Mr. Jackson, if he is not chosen a senator, is to be made the third. This intelligence is trumpeted forth in the streets and market places by Stickney, Sweeny the barber, and Billings Putnam. The opposite party are lying upon their oars, in expectation of our master's return. Doc. Kilham's political resurrection might have furnished you with an entertaining subject of speculation. He was first seen riding out with Marquand, next he rode out with a large party of us to Major Coffin's of New-town; soon after some of our respectable folks were seen to pull off their hats to him as he pass'd the insurance office. Col. Wigglesworth and some others got him to their houses next, and now 't would be difficult to catch him at home. He wants no further assistance, but to be puffed in the Essex Journal which you will be seasonably here to execute, if so inclined." In 1802 President Jefferson appointed him a Commissioner of Bankruptcy in Massachusetts; in 1806, 1807, 1810 and 1811 he served on the Governor's Council, and in 1814 was a member of the State Senate. See *supra*, pp. 317, 352.

¹ John Adams, Works, vol. vi. pp. 219, 220.

were several *young* ladies present, Miss Harriet's¹ companions; a sett that are almost always together, and who have at least more personal beauty than any equal number of other unmarried ladies in this town. Miss Wigglesworth² is about seventeen. Her stature is rather diminutive; but *smallness* is said to be one of the essential requisites of *prettiness*. Her features are regular and her shape admirably proportioned. Her disposition is said to be amiable; but she talks very little. The greatest defect which I have observed in her is a frequent smile, which is certainly either unmeaning or insulting. The only method I can pursue when I catch her eye is to smile too; and by this means put her out of countenance. Thus much for the present. I will take some other opportunity to mention the other stars that form this constellation.

6th. We met in the evening at Putnam's chamber. I did not pass my time so agreeably as I usually do these evenings. Townsend and Amory were there, and, instead of devoting our hours to free and unrestrained conversation, we lost them in playing on the violin and flute. Between nine and ten we retired.

7th. The weather begins to abate of its severity; yet people cross'd the river on the ice all this day. Townsend and Pickman this afternoon went to Salem. I was at home all the evening, and Thompson spent part of it with me. He intends to quit his school in three or four weeks; and I hope I shall then enjoy more of his company.

8th. I this day got through my folio of Lord Coke, which has been hanging heavy upon me these ten weeks. It contains a vast deal of law learning, but heaped up in such an incoherent mass that I have derived very little benefit from it, — indeed I think it a very improper book to put into the hands of a student just entering upon the acquisition of the profession. I am persuaded I might have spent the time which has been employ'd in reading this book to much better advantage, and that a twelvemonth hence I could have read it in less time and with more profit. But if this be the case how much more laborious must the study have been when this was the only elementary book of the profession. The addition of Wood's Institutes, and more especially of Blackstone's Commentaries, has been an inestimable advantage to the late students in the profession. In the afternoon I read a few pages in Blackstone,³ and the contrast was like descending

¹ Harriet Bradbury, daughter of Theophilus Bradbury; born in 1773; married Thomas W. Hooper (H. C. 1789), son of Stephen Hooper. W. B. Lapham, Bradbury Memorial, p. 89.

² Presumably Sarah, daughter of Colonel Edward Wigglesworth, born December 18, 1770; married Francis Michael Bequet, September 18, 1793. Colonel Wigglesworth (H. C. 1761) served as a colonel in the Continental army from 1776 to 1779, and was then a merchant at Newburyport.

³ The recognition of Blackstone's merit was immediate and decisive. Coke-

from a rugged, dangerous and almost inaccessible mountain into a beautiful plain, where the unbounded prospect on every side presents the appearance of fertility. I read with more advantage than usual, as I was wholly alone in the office all day. I spent the evening in my own room uninterrupted by any intrusion. I proceed in the second volume of Gibbon, about fifty pages a day.

9th. Parson Carey got out to meeting this forenoon; but he was still so weak that the effort was too great. He was scarcely able to get through the morning exercises; and in the afternoon the church was again destitute. I went to hear Parson Spring rattle away upon disinterested benevolence, and pass'd the evening at home.

10th. Pass'd the evening and supped with Thompson at Dr. Sawyer's. Mr. Russell was there; he came from Portsmouth this morning and returns to Boston with Mrs. Hay, to-morrow. We play'd quadrill. Mr. Farnham¹ took an hand, and is skilled in all the trifling conversation of a card-table. Every one, it is said, possesses his peculiar excellence. Mr. Farnham's talent lies in the *science* of politeness. He understands to perfection all the nice and subtle distinctions between confidence and assurance, between ease of behaviour and familiarity, between elegance and foppery, &c., a science in which I am very ignorant, as in all others.

11th. Townsend and Pickman returned this afternoon from Salem. Townsend has been on to Boston and to Medfield; he brought me two or three letters. I passed the evening with Thompson at Captain Coombs's. Mr. Cutler came in soon after us. There are several young ladies there. The Miss Coombs's are neither of them handsome, and I have not sufficient acquaintance with them to form an accurate opinion. Fanny Jenkins is perhaps twenty one. A countenance more amiable than beautiful is her greatest personal ornament; she is not tall enough to have an elegant form, but when she smiles such a lovely disposition beams in her eyes that no one could wish her more handsome. She talks much and tolerably well, but when a young lady [h]as so excellent a temper,

"Let her speak and whatever she say,
Methinks I should love her the more."

Her sister Nancy is about seventeen. She is tall and beautiful in countenance and in the form of a person, not less sociable but less sensible

Littleton, first published in 1628, did not reach the thirteenth edition until 1788. Blackstone in 1787, eighteen years after the publication of the last volume, had already passed through ten editions.

¹ Probably William Farnham, a brother-in-law of Dr. Sawyer. Alice Tucker wrote under date of Sunday, August 23, 1789, "After meeting Mr. Farnham drank tea with us—a gentleman with manners as soft as silk." Manuscript journal.

than Fanny. She has read too many novels; her expressions are romantic, and her ideas are far otherwise. Her disposition is, I believe, good; and a few years may cool her down to an agreeable sensible girl: now, it may suffice to say, she is young. But, after all, the best object of description is Mr. Cutler. He is somewhat singular, but it requires a much longer acquaintance to form a just opinion of the character of a man than of a woman: the distinguishing traits are deeper and much more numerous, for which reason and some others, I will defer speaking of Mr. Cutler to some future opportunity.

12th. I dined with Townsend at Mrs. Hooper's. Amory went to Portsmouth on Monday, with several of his friends. They return'd this day to dinner at Davenport's. We called to see them, and sat with them drinking and singing till five o'clock, when the[y] went for Ipswich. I pass'd the evening with Pickman, at Doctor Smith's. Townsend went there with us, but found himself so unwell that he went home very early. His cough has return'd, with several disagreeable symptoms. I fear exceedingly that he is not long for this world. We play'd whist an hour or two at Dr. Smith's, and between ten and eleven retired.

13th. Thompson, Pickman and Little pass'd the eve at my lodgings. Townsend was so unwell that he could not come, and Putnam went home some days since, and has not yet return'd. The office for a week past has been tolerably clear, and I have made considerable progress in Blackstone.

14th. Mr. Parsons return'd this afternoon from Boston, where the Supreme Judicial Court and the General Assembly are now sitting. I called with Pickman to see Townsend, who is now confined to the house, and pass'd an hour or two with him. And for this day I have nothing more to say.

15th. I called this evening at Putnam's lodgings, and pass'd an hour or two with him. He went home last Sunday intending to be absent about a week; but he return'd yesterday without compleating his visit. I told him some time ago, that I expected he would not be absent long from this town with any satisfaction to himself. He says he is happy as the day is long. He admires Newbury-Port exceedingly, and never enjoy'd himself more than he has for the six months past. He says he is not in love, and that is not the least reason from which I conclude that he is. A young lady similar in her manners, and perhaps in her disposition to him, has engaged his affections; and the schemes which he forms to be in company with her, and the manifest fondness which appears when he is with her, more than outweigh his declarations; which, in cases less justifiable than the present, are not always consistent with truth.

16th. In the forenoon I attended at Mr. Carey's meeting. The man

that appeared in the pulpit I concluded very soon was a son of Dartmouth. All was common-place; his ideas were trifling, his language was inelegant, and his manner was an unsuccessful attempt to the florid. He apostrophised Innocence, and said she was charming. In short he appeared to me to have all the defects, without one of the excellencies of a youthful, irregular imagination. After meeting was over I heard his name was Oliver,¹ and that he is settled at Beverley. I had quite enough of him in hearing him once, and therefore in the afternoon I went to hear Mr. Spring, who entertained me much better, though I am not a great admirer of his doctrine.

17th. Mr. Parsons held a Court this forenoon at ten; and at the same hour I attended at Mr. Atkins's, with several actions brought before him. Mr. Parsons in the afternoon went from home to return to Boston. I pass'd the evening at Mrs. Hooper's; play'd quadrill as usual.

18th. I am sinking again into the same insipidity which I have so often lamented. The circumstances which daily occur are now more than ever alike, for I not only spend the whole day in the same occupation at the office; but as Townsend is unwell and confined to his lodgings I pass almost all my evenings with him. We have no news stirring of any kind, and as Dr. Kilham said to me a short time before he went to Boston, "I am tired to death of seeing one day only the dull duplicate of another."

19th. The weather was dull, gloomy, and part of the day rainy. Amory invited me to dine with him and Stacey and Azor Orne at Davenport's, but I did not feel inclined that way. I call'd at Mrs. Hooper's in the evening, and spent a couple of hours with Townsend. The lads who dined at Davenport's warm'd themselves so well with Madeira, that at about seven o'clock this evening, they all set out upon an expedition to Cape-Ann to attend a ball there this night. Twenty seven miles in such weather and such roads after seven o'clock at night, to attend a ball would look extravagant in a common person; but it is quite characteristic of Amory.

20th. Thursday. We met this evening at Thompson's. Pickman came, but rather late in the evening. Young Sawyer² was there likewise. He spends the present quarter at home by order of the college government. I have not a very high opinion of his abilities; still less of his improvements, and least of all of his moral character. One thing, however, may be said in his favour, — he is handsome in his per-

¹ Daniel Oliver (Dartmouth 1785), born in Boston April 4, 1753; pastor at Beverly 1787-1797; missionary in Roxbury and Boston; died September 14, 1840, at Roxbury. General Catalogue of Dartmouth College.

² William Sawyer (H. C. 1788), son of Dr. Micajah Sawyer; born February 1, 1771; a physician; died in Boston, April 18, 1859.

son. His father is a very respectable, worthy man, and the family to which he belongs is very agreeable.

[N. B. This opinion of Sawyer did him great injustice. April, 1790.]

21st. I can read tolerably well when I am alone in the office, and make as much progress in one day as I can sometimes in a week when all the other gentlemen are here. I have read through the first volume and made some progress in the second of Blackstone. And I read it, I think, with more advantage than I did the first time; but my progress is slow, too slow.

22d. Amory and Stacey return'd from their expedition. They got to Cape-Ann at about twelve on Wednesday night, and were about two hours at the ball. On Thursday they proceeded to Marblehead, and attended at the assembly which was held there. Last night they patrol'd the streets of Salem, serenading the houses, and came home this afternoon completely fatigued. Mr. Parsons arrived in town too this morning from Boston, and held a Court for taking cognizance of Mr. Atkins's actions. Pickman pass'd the evening with us at Mrs. Hooper's. Mr. Cutler was likewise there.

23d. Putnam had agreed to go with me, and hear Parson Tucker preach this forenoon; but some circumstance prevented him; so I went alone. The Dr. gave us a very good sermon upon the education of children. I went home with Mr. Tracey to dinner, and Pickman soon came in. We dined and pass'd the afternoon with Mr. Tracey.¹

¹ Nathaniel Tracy (H. C. 1769), classmate of Theophilus Parsons and of James Winthrop, the librarian at Harvard; thirty-six years of age; educated at Harvard and at Yale; son of Patrick Tracy, who presented him on his marriage in 1775 to the beauty, Mary Lee, of Marblehead, with the finest house in Newburyport, the brick building on State Street now occupied by the Public Library. In August, 1775, he sent out the first privateer from Newburyport; 1775-1783 he sent to sea, as principal owner, twenty-four cruisers manned by 2,800 men that captured 120 sail and with them 2,225 prisoners of war; during the same period he sent, as principal owner, 110 merchant vessels, all but thirteen of which were lost or captured before the end of the war; during the early years of the Revolution he prospered greatly, — had fine horses and the richest of household appointments; kept a pleasure barge on Kimball's Pond for fishing-parties; "owned an admirable farm in Newbury, where he could breakfast; Ten-Hill farm at Medford, where he could dine; and his Vassall House at Cambridge, Washington's Quarters, where he might pass the night." Thomas Jefferson visited him and sailed with him on his ship "Ceres" to England in 1784. In 1786 he found himself hopelessly bankrupt, and retired to the stone mansion (already a century old) of the Spencer-Pierce farm on the Merrimac River in Newbury. Here he died September 20, 1796 (Mary Tracy selling the farm for \$12,800). See J. J. Currier, "Ould Newbury," pp. 25-41, 551-560, with a portrait of Nathaniel Tracy and views of the farm-house. See also an article by Colonel Samuel Swett (son of Dr. John Barnard Swett) in the "Newburyport Herald," November 23, 1865 (Boston Public Library, No. *4454.56), and an article by Mrs. Harriet Prescott Spofford in "Harper's Magazine" for July, 1875. The figures as to his mercantile and warlike ventures during the war are taken from an *ex parte* statement, — a

This gentleman was in the course of the war peculiarly fortunate and accumulated an immense fortune; but he has since been equally unluckily and is now very much reduced. The generosity of his heart is equal to any estate whatever; and although he has not been so prudent as might be wish'd, yet every one who is acquainted with him must lament his misfortunes, and heartily wish he may retrieve his affairs. We rode into town in the beginning of the evening as the weather was rainy. We stop'd at Mrs. Hooper's. We found Miss Cazneau there; and Thompson and Putnam came in soon after. The evening was dull. Miss Cazneau would sing; and murdered two or three songs. A specimen of Townsend's wit set us to laughing. Mr. Parsons set out this morning to go to Boston, but the weather being disagreeable he return'd home after proceeding three or four miles. . . .

24th. I attended at Mr. Atkins's Court; and appeared to the actions. Mr. Marquand, who had been summoned there, appeared and somewhat diverted us by his impetuosity. I met young Thomas in the street, who gave me some information from Cambridge. This being the last day of service, we have been uncommonly busy in the office in copying the writs and making out records according to the Justice's act, which is useless and even troublesome on every account. I this day finished reading Gibbon's History, which I have had a long time without perusing. It has given me much information upon a part of history with which I was but little acquainted. The style upon the whole, I think, is elegant, but his manifest partiality against the Christian religion is equally injurious to his character as a philosopher and as an historian. He affects to despise those men who from a zealous attachment to their religion have adopted the effusions of enthusiasm as readily as the pure and indisputable relations of history; while he is himself guilty of the other extreme, which in my mind is much less

petition to Congress. See E. V. Smith, Hist. of Newburyport, p. 107. Alice Tucker wrote, October 20, 1789: "Just at dusk, I took a walk to Mr. Nat. Tracy's. This antique building is situated in the very bosom of retirement, and is surrounded by well cultivated fields and gardens. You have in view a thick wood, and a pretty water prospect completes the landscape. I found Mrs. Tracy, dress'd genteelly, sitting at her tea table with her children about her. She is a very handsome accomplished woman, and knows very well how to keep up her dignity." A little over a year later she described another visit: "As soon as we got to their yard a neat looking maid came out to open the gate for us, and conducted us into the house and into the dining chamber, which is spacious and has a genteel and an airy appearance considering its antiquity. Mrs. Tracy received with that politeness which is so natural to a well bred woman. Our repast was slender; two cups of tea, and one small piece of biscuit. After tea the children came from the nursery, [torn] and with them an illegitimate orphan call'd Lucy [illegible]. . . . How fortunate are such children when they meet with relations or friends that are disposed to give them suitable educations." Manuscript journal of Alice Tucker, December 13, 1790.

excusable. Knox,¹ however, is, I believe, too severe when he says that this writer by a *meretricious* and *affected* stile far beneath the native dignity and simplicity of the ancients has caught the transient applause of the public, — and indeed the occasion upon which he passes this judgment renders the censure very reprehensible. The reflection upon Julian's leaving Paris² was to me one of the most ingenious passages in the book; and Knox, by setting himself up as the champion of English prejudices, cannot be quoted by a neutral person as an authority of great weight.

25th. Copies of all the actions which are to be entered at the next Court of Common Pleas were this day sent to Salem to be filed in the clerk's office, seven days before the sitting of the court, as the law directs. And as we have now got through the hurry of business, we

¹ Vicessimus Knox, master for thirty-three years of a school at Tunbridge, England. The passage referred to reads as follows: "A writer of history, who, by an affected and meretricious style, unlike the manliness of the classical model, has caught the transient applause of fashion, and who seems to be ambitious of acquiring distinction by recommending infidelity and libertinism ON PRINCIPLE, speaks, consistently with himself, thus highly of FRENCH MANNERS; those effeminate manners which, in the honest warmth of an Englishman, I have been led, in this section, and on all occasions to reprobate: . . . I cannot think it consistent with a good citizen and a lover of one's country to admire and extol the *martial* spirit of that nation, which has so often been most hostile to all we hold dear, and behaved with such perfidy as would stigmatize an individual in private life with perpetual disgrace.

"As a superintendent of education, I think myself bound thus publicly to disapprove, on every proper occasion, all works which tend to insinuate corrupt and infidel principles into the bosoms of ingenuous youth. All may err from passion, and be pardoned; but to defend and even recommend, moral corruption on principle, is a kind of wickedness which even candour must condemn as *diabolical*." *Liberal Education: or a Practical Treatise on the Methods of acquiring Useful and Polite Learning*, 10th edit. 1789, vol. ii. pp. 307-309. "It was a mean subterfuge to make history the oblique channel of theological infidelity. An ingenuous young man takes up the book, from the laudable motive of improving his mind with historical knowledge. But, as he reads, he finds himself corrupted, and is cheated into irreligion and libertinism." V. Knox, *Essays Moral and Literary*, 1793, vol. i. p. 110.

The popular prejudice was so strong that the President of Harvard College deemed it wise to announce publicly in the "Columbian Centinel," November 16, 1791, that "Gibbon's History was never thought of" for the Harvard curriculum, that Millot's Elements were preferred; — the latter a history in five volumes aggregating some two thousand pages, translated from the French of the Abbé Millot and written under an order of the Duke of Parma. October 26, 1786, J. Q. Adams wrote: "I employ most of my time at present in reading the Abbé Millot's Elements of History. They are well written but very concise. He is quite philosophical: in some passages perhaps too much so. At least he calls in question many historical facts without sufficient reason, I think. His reflections, which seem to form the greatest part of the work, are for the most part just, and display much humanity, which is an essential requisite in an historian."

² Gibbon, *Decline and Fall*, chapter xxii.

have this day been very idle. Mr. Parsons has been talking all day with some one or other who came to the office. Much of our time is lost in this manner; and if we complain we are told we must learn to read without suffering ourselves to be interrupted by any noise whatever — a direction with which, I believe, I shall never be able to comply. And it would be much more agreeable to me, if he would receive his company in the other room, and spare us the trouble of an apprenticeship to an art which we cannot acquire.

26th. I took a long walk this afternoon with Putnam, and as we came back we stop'd at Mrs. Hooper's. Townsend is still there, the weather being so unsettled that he has not ventured to go much from the house yet. He must, however, go in a few days so [to] Ipswich as he is to be sworn in at that Court. We play'd quadrill. Miss Knight and Miss Phillips were there; with the latter of these ladies I have never hitherto had any acquaintance. I went a mile with her, after ten, to wait on her home, and on the way met Master Thompson, but as I returned I could not overtake him.

27th. I went with Pickman, Amory, Stacey, and Putnam to Salisbury, to see a vessel launch'd. She stuck as she went off. We dined there, but the party was very far from being agreeable. A. Orne is an habitual debauchee who at the age of five or six and twenty has brought upon himself the infirmities of old age. He is one of those human beings whom to see is to despise. The description in the choice of Hercules beautifully expresses the character. At about five in the afternoon, I return'd with Pickman and Putnam to Newbury-Port, and from thence walk'd up to Little's, where we found Thompson and Sawyer. We pass'd the evening agreeably; and much more to our satisfaction than we could have done with those other lads whom we left at Salisbury.

Vast happiness enjoy the gay Allies!

A Youth of Follies; an old age of Cares:

Young, yet enervate; old yet never wise;

Vice wastes their vigour, and their Mind impairs.

28th. The weather was pleasant. Townsend rode this day. I pass'd the evening with him, and found Miss Knight at Mrs. Hooper's. After having dismiss'd two or three inconstant suitors, she is now address'd by a Mr. Gregory from Boston, to whom she will probably soon be united.

With all the charms of beauty richly fraught,

Lucinda's form my fond attention caught.

A faultless person and a lovely mind,

I found with wonder, were in her combin'd

Deficient only in a single part,

She wanted nothing but a feeling heart.

Calm and unruffled as a Summer Sea,
From Passions' gales Lucinda's breast is free,
A faithless lover she may well defy
Recall her heart nor breathe a single sigh
And should a second prove inconstant too
She changes on till she can find one true.¹

Such a character may be esteemed; it may likewise be beloved, for she has had more than one lover; but their unsteadiness may possibly derive some excuse from this very disposition of hers; for my own part, I never could conceive such sentiments with respect to her as would enable me to be inconstant.

29th. I received two or three letters for Little, and after finishing the day at the office, I went and delivered them. He went with me and pass'd the evening with Townsend. Mr. Morland came in to wait on Miss Knight home; but she prefer'd staying a day or two longer where she was. Mr. Cutler was an hour or two with us. Sometime after ten, I came home.

30th. Parson Toppan of Newtown preach'd at our meeting this day. I attended all day and was very much pleased with his ingenuity. He is quite orthodox enough, although he has contended with Mr. Spring upon some very knotty points. His delivery is not graceful, nor even agreeable; but the sound sense and ingenuity which appear in his sermons more than compensate for defects which are so common. I have read through Knox's treatise upon Education,² and in general am much pleased with it. If his censures of the present times did not some times border upon ill-nature, and if he had not profess'd to maintain the advantages of prejudice and partiality, I should place much greater confidence in his opinion; but his complaints in many cases are but too just and too applicable to the manners of this country.

31st. Mr. Parsons held a Justice's Court for the trial of a trifling action of trover and conversion, — the dispute was about 600 feet of pine boards. The witnesses on both sides were examined, and, after a trial of two hours, Mr. Parsons advised them to settle the matter between themselves without any judgment, which they accordingly did. The weather for a day or two past has been very mild and pleasant; verifying the vulgar saying, mentioned at the beginning of the month. I walk'd with Putnam this afternoon, and pass'd the evening with Townsend.

Tuesday, April 1st, 1788.

The Court sits this day at Ipswich. Mr. Parsons went in the afternoon. I dined with him. Pickman gone to Salem, so that for two or

¹ "The Vision," in "Poems of Religion and Society," by J. Q. Adams (1850), p. 111.

² Vicessimus Knox (1752-1821), *Liberal Education, or a Practical Treatise on the Methods of acquiring Useful and Polite Learning*. London, 1781.

three days I have been wholly alone at the office. Putnam took a long walk with me; he has been amusing himself with Stacey this day by the prescriptive privilege of deceiving. The manner was imprudent and the thing itself beneath his years; but there is a pleasure in playing the fool at times; and perhaps these are peculiarly excusable. As we returned from our walk, I stop'd in at Mrs. Hooper's to pass the last evening with Townsend. Parson Bass was there, but soon went off. Amory took his usual rout; a Mr. Gartz, who belongs to Baltimore, Mr. Cutler and Thompson were with us all the evening; and we left them a little after ten.

2d. This day Townsend and Amory finally left us and were to be sworn into the Court of Common Pleas at Ipswich. They entered the office both nearly at the same time, and have both continued here more than three years. Their characters and dispositions are essentially different. With Townsend I have been very intimate ever since I came to this town, but my acquaintance with Amory has only been such as necessarily followed from being so frequently with him. Townsend is in his twenty fifth year. His genius is very good, and somewhat eccentric. While at College, and for some time after, he laboured under great disadvantages from his narrow circumstances; but for three or four years past he has been well supported by a wealthy uncle who has no children, and who will probably leave him something. Since he came here his studies have repeatedly been interrupted; and he has been obliged to attend for months together upon his brother, who died last summer in a consumption. The time which he could spend here was generally well employ'd. His disposition was easy and contented; rather apt to contract prejudices either favourable or unfavorable to persons from their first appearance; his friendships very strong, and his aversions rather severe. He was attached to his opinions, and would defend them with warmth; so that many of his acquaintance think him obstinate. But he has frequently said, and, I believe, justly, that obstinacy consists in persevering in an opinion without being willing to defend it when attacked, not in being unwilling to give it up without sufficient grounds to conclude it erroneous; and if his definition be true I do not think he can properly [be] called obstinate. Upon general subjects his sentiments coincided very well with mine; but we differed very frequently in descending to particulars. Generosity, humanity and benevolence are the ornaments of his heart, and in short from his whole character I have such an attachment for him, that I shall regret much his leaving this town. My anxiety for his health increases this regret; his disorder is alarming, and by so much the more as it has been peculiarly fatal to his family. Amory I will mention to-morrow. I took a walk with Putnam this afternoon, and as we returned Putnam urged me to go in to Dr. Smith's, to which I finally agreed. Putnam pass'd

a number of high encomiums upon Miss Smith; but as soon as we went into the house I found Miss Bradbury there; which explained Putnam's eagerness. I sat and conversed till about nine o'clock, and then came off, leaving my companion with his Dulcinea there.

3d. Thompson went yesterday morning to Ipswich, and returned last evening. I dined with him to day. Frank Bradbury and Putnam were likewise there. Amory and Townsend were sworn into Court yesterday in the afternoon, and immediately went on to Salem. Amory, whom I promised to mention this day, is about twenty three. At a very early period of life he was engaged in scenes of intemperance and debauchery, and contracted a fondness for them which he has not yet conquered. His imagination is lively and his apprehension uncommonly quick; but a great degree of volatility and unsteadiness render all his reforming resolutions abortive. With any particular object before him he is indefatigably active and industrious; but when it is on[c]e accomplished he too often relapses into dissipation and inattention. Of almost three years and a half which have past since he entered Mr. Parsons's office, he has not, I suppose, spent two in this town, and of that time perhaps he has not employ'd one half in the office. Yet such are his natural advantages for improvement that, in the short time which he has devoted to study, he has acquired almost as much knowledge of the Law as a common person would, who should have been attentive through the whole period. Notwithstanding his habits of intemperance he has formed a tender connection with a young lady in this town, who is undoubtedly firmly persuaded that he will marry her. It will certainly be a great misfortune to her, should she be disappointed; for after so long, and so great an intimacy, with a young fellow whose principles and practice are so repugnant to the general ideas of morality and religion, it must be supposed that any other young gentleman would be somewhat punctilious before he would venture to pay his addresses to her. Unfortunately the same causes which are prejudicial to her reputation will tend to render him faithless and inconstant. All that can be hoped is (and it is devoutly to be wished) that his native good sense and strength of mind will rise superior to all his youthful follies, and that of all the heterogeneous qualities which compose his character, the good only will remain. His manners and address are remarkably agreeable and insinuating, and he possess[es] candour to applaud in others even those virtues of which he is most destitute. In short we may fairly say that, without an essential alteration in his course of life, he will ever be a worthless character; but that, with such alterations as time and experience may very well produce, he may become one of the best and most useful men in the Commonwealth.¹

¹ William Amory, born in Boston; a graduate of Harvard (1784); died in 1792, aged twenty-seven. He married the young lady referred to in the text,

Dr. Kilham returned this afternoon from Boston, and Mr. Parsons from Ipswich. I took a long walk after dinner with Putnam, F. Bradbury, and Thompson, and we passed the evening at Putnam's lodgings.

4th. The weather has been rather disagreeable this day. In the evening I went with Thompson and Putnam to Mr. Bradbury's, where we found a large company. Mr. W. Parsons and his wife, Mr. Sigourney and his enamorata, and an innumerable quantity of Miss Greenleafs. We pass'd the evening as usual, singing, playing cards, &c. Mr. Sigourney has a very good voice, and entertained the company much more than such exercises generally do. We retired between ten and eleven o'clock.

5th. Rain'd again a great part of the day. Putnam pass'd the evening at my lodgings. We conversed upon a variety of subjects. I am more pleased with him than I was while we were classmates. He is not exempt from that puerility which I mentioned as constituting his character; and I have sometimes seen him exert a degree of little cunning to obtain an end in trifles where it was totally unnecessary even to serve his own purpose. But he is good-natured and friendly; willing and ready to oblige; easy and contented; enjoying the present and looking forward to futurity without sufficient anxiety to embitter his happiness. I often envy him his feelings. For "who by taking thought can add one cubit to his stature?" The prospects of life which are before me are by far the most frequent employment of my thoughts; and according to the different temperature of my spirits, I am sometimes elated with hope, sometimes contented with indifference, but often tormented with fears, and depressed by the most discouraging appearances. Such reflections serve only to deprive me of my present enjoyments; after all, the events which time is to produce must take their course and "sufficient surely to the day is the evil thereof."

6th. A Parson Allen preach'd this day for Mr. Carey. I went to hear him in the forenoon. His sermon was sensible, but his delivery was quite disagreeable. His manner of speaking was so singular that several times it was with difficulty I restrained myself from laughing. I did not feel a great inclination to hear him again, and I therefore went in the afternoon and heard Mr. Murray. He is an orator; but if he did not betray such a consciousness of his own powers, while in the pulpit, he would be much more pleasing to me. There is no situation, perhaps, in which that consummate art of concealing art is more requisite than in the desk. Art is undoubtedly necessary in speaking to command the attention of an audience; but if that art is apparent the solemnity of the occasion greatly tends to increase the disgust which I always conceive against affectation. For when a preacher appears so and had two daughters. He had already been admitted to practise before the Supreme Court of Massachusetts.

wholly occupied with the admiration of his own rhetorical talents, it seems he can have but little concern for the important subject of which his eloquence is only the instrument, and which ought to be the chief, I had almost said the only, object of his thoughts.

7th. I went with Thompson to Mr. Atkins's, to answer to an action which we had brought before him this day. The first Monday in April, being the day appointed by the Constitution for the choice of Governor, Lieutenant Governor and Senators, the town meeting here began at ten in the morning, and the poll was closed at four in the afternoon. Mr. Hancock and General Lincoln had a great majority in this town, as well as in Newbury, and a Federal list of Senators; for Fed and anti are the only distinctions at this day. Mr. S. Adams had a number of votes for Lieutt. Governor, but, for what reason I cannot tell, all the influence was against him. The revolution that has taken place in sentiments within one twelve month past must be astonishing to a person unacquainted with the weaknesses, the follies, and the vices of human nature. The very men who at the last election declared that the Commonwealth would be ruined if Mr. Hancock was chosen have now done every thing to get him in. And the other side are equally capricious.¹ We have not yet got sufficiently settled to

¹ A letter written by J. Q. Adams to his father, and dated Braintree, June 30, 1787, describes the conditions attending the elections of the preceding year. It reads as follows:—

"... Mr. Hancock was again elected governour this year, and out of 18,000 votes he had more than 13,000. This plainly shows that the people in general are displeased with some part of Mr. Bowdoin's conduct: but it is the caprice of an ungrateful populace, for which it must ever be impossible to account. Mr. Hancock is very much involved in debt, if common report be true; it is even confidently asserted that his present estate would not by any means do justice to his creditors. It is therefore concluded that he would favour tender acts, paper currencies and all those measures, which would give the sanction of the law to private fraud and villainy: it was supposed that a Senate and an House of Representatives would be chosen, perfectly willing to abolish all contracts public and private, ready in short to redress the people's grievances, that is, to gratify their passions and justify their crimes. But these fears were not entirely well grounded; there are indeed several Senators and many Representatives, who would stick at nothing. A Willard, a Drury, a Whitney, and many others, who have openly espoused the cause of treason and rebellion, are now among the legislators of the country; *intestinam aliquam quotidie perniciem reipublicæ molientes*. There is however in both branches of the legislature a majority of well meaning men, who will support the dignity of the government, and who will not prostitute the honour of their country. A motion was made a few days since, that a committee should be appointed to examine the merits of a paper currency, and to report upon the expediency of an emission at present, but there was a majority of more than 50, even against the committing of it. It has been resolved that the Court should move out of the town of Boston, and the committee have finally recommended Concord as the most proper place to which it may be removed. The people in the country are very earnest in this point; and as usual without knowing why. The salaries of all civil officers, which are now too small, will infallibly be reduced

have stated parties; but we shall soon, I have no doubt, obtain the blessing. I pass'd an hour or two this evening with Thompson at Mrs. Emery's, and he spent half an hour with me, till nine o'clock.

8th. Pickman returned last evening from Salem. The votes in that town, and in several others from which accounts have been received, are equally favorable or more so than they were in this town to Mr. Hancock and General Lincoln. I called and passed an hour or two at Mrs. Hooper's in the evening. Miss Cazneau was there. Came home early in the evening.

Belinda next advanc'd with rapid stride
A compound strange of Vanity and Pride
Around her face no wanton Cupids play,
Her tawny skin, defies the God of Day.
Loud was her laugh, undaunted was her look,
And folly seem'd to dictate what she spoke.
In vain the Poet's and musician's art
Combine to move the Passions of the heart,
Belinda's voice like grating hinges groans,
And in harsh thunder roars a lover's moans.¹

9th. Dined with Pickman and Thompson at Mr Parsons's upon salmon, which begin now to be caught in the river. We did not do much business in the afternoon. I called upon Putnam, after taking a walk with Thompson, but Putnam was engaged for the evening, so that I soon came home to my lodgings.

still lower. Mr. Hancock, who has a peculiar talent of pleasing the multitude, has compounded the matter by offering to make a present to the public of 300£, but I consider this as a pernicious precedent; a palliative worse than it would have been, had the legislature curtailed the salary. For if one man gives up 300£, another, fishing equally for popularity, may give more, and the chair of government may finally be offered to the lowest bidder. It is impossible for a free nation to subsist without parties, and unfortunately our parties are not yet form'd. The democratical branch of our government is at present quite unrival'd; and we severely feel the want of sufficient strength in the other branches. The Senate indeed has several times within these eighteen months saved the commonwealth from complete anarchy, and perhaps from destruction; but its hands are tied; and the people are too generally disposed to abolish the Senate as an useless body. I have indeed great hopes that the Defence of the Constitutions will produce an alteration in their sentiments; it will certainly have great weight. One printer in Boston is employ'd in printing a new edition of this book, and another is retailing it twice a week in a newspaper; so that I hope it will be sufficiently spread throughout the Commonwealth. As to the monarchical power, it appears to be entirely out of the question, and unless by a revolution it be established upon the ruin of the two others, it will never possess influence sufficient to hold the balance between them."

The reference in the closing lines of the above letter is to John Adams's *Defence of the American Constitutions*, London, 3 vols. 1787, 1788. See *Life and Works of John Adams*, vols. iv.-vi.

¹ "The Vision," a poem by J. Q. Adams in "*Poems of Religion and Society*" (1850), p. 111.

10th. From the divers interruptions which we met with in the course of the day, we did but little at the office. We met this evening at Pickman's chamber. He has joined us, and is regularly with us. Stacey likewise pass'd the evening with us, and Mr. W. Farnham. I agreed to go with Pickman to Haverhill to-morrow. From thence I intend in the beginning of the next week to proceed to Cambridge, attend at the exhibition there; and then go to Braintree and spend a few days. And I shall probably meet my brothers there. I have sometimes intended to wait for my father's arrival before I should go that way; but it is almost six months since I saw my friends in Cambridge, Braintree, &c., which makes me somewhat impatient; and, if I wait for my father, I know not whether I shall go in one month or two. As I have been so little absent through the winter, I may venture now to indulge myself for a fortnight.

11th. I set out with Pickman this morning at about nine o'clock. The weather was clear though rather windy; before twelve we arrived at Haverhill. I went immediately to Mr. Shaw's, and Pickman went to the tavern to meet a carriage which he expected from Salem; but very unfortunately he found the carriage had past through the town, not more than a quarter of an hour before he got there. Such disappointments are peculiarly teasing to lovers, and are felt perhaps more keenly than greater misfortunes.¹ After dinner I went down to Mr. White's, and was sorry to find that Leonard was gone to Hamstead with his mother. I call'd likewise at Mr. Thaxter's, but he was not at home. I sat half an hour with Mrs. Thaxter, who has met with a misfortune and been very unwell for some time past. I thence went up to Judge Sargeant's to pay a visit there; and I found Mr. Thaxter with him. I returned soon and drank tea at Mr. Thaxter's; and soon after went back to Mr Shaw's.

12th. In the forenoon I went down and spent a couple of hours with Mr Thaxter; the rest of the day I employ'd in reading upon several subjects. I took up Hudibras in the afternoon, and diverted myself with it for an hour or two.

13th. Attended meeting all day. Dined at Mr. Thaxter's with Mr. J. Duncan. And in the afternoon after service, we took a long walk. When we return'd to Mr. Thaxter's we found Mr. Bartlett and his wife and Leonard White there. Mr. Parsons came in soon after. He is going to attend the Supreme Court who will sit this week at Concord. The conversation soon turned upon political subjects; I knew we should have over again what I have heard twenty times; and therefore I took a walk with Leonard White; and went home between nine and ten in the evening.

¹ A year and a half later Pickman married Anstiss Derby, daughter of Elias H. Derby, the most eminent merchant in Salem.

14th. I met with several impediments in the morning so that it was eleven o'clock before I cross'd the river. The weather was very good, but growing cloudy. I got to Doctor Kitteridge's¹ house at Andover, before one. I stop'd to see my classmate W. Abbot,² and dined there. Bowman and Wyeth³ were likewise there. I would say something of Mrs. Kitteridge, but it would be now a very improper time to give an account of such impressions. I left the house before three; and soon after it began to rain, and continued without intermission until I arrived at Cambridge; I got there at about six. I rode eight or ten miles with an Almsbury man who is going to Concord Court upon business. Mr. Parsons is engaged in his cause, and the man had a deal to say about lawyers. I found my brothers at our old chamber; and after sitting with them half an hour went over, and pass'd the remainder of the evening with Packard. I found Cushman at his chamber, and we spent the eve very sociably. Clarke had been riding in the rain, as well as myself, the greatest part of the day. He came from Harvard, where he went to accompany Grosvenor, who went home very sick a few days ago. Cushman⁴ is apprehensive that he will not be able to obtain his

¹ Dr. Thomas Kittredge, about forty years of age, served as surgeon of the First Massachusetts Regiment in the Revolutionary War; elected this year (1788) with William Symmes (see *supra*, p. 323) to the Massachusetts Convention; voted against the ratification of the Constitution of the United States; 1802-1809, 1811, 1815, 1817, represented Andover in the Legislature; 1810-1811 on the Governor's Council; died 1818. His new mansion, built in 1784, was the finest in North Andover; still standing (1880). S. L. Bailey, *Hist. Sketches of Andover*, pp. 157-159. Abbot, a classmate of J. Q. Adams, was a student in his office.

² "William Lovejoy Abbot was twenty-one January 18th. He belongs to Andover, and is the head of our class. He purposes studying Physic. A very steady sober lad, he appears fond of being thought a dry humourous fellow, and has acquired a great command of his countenance. His wit would not please in the mouth of any other person; but his manner of producing it seldom fails of raising the laugh. He is a very good speaker, especially such pieces as conceal the features of mirth under the mask of gravity." J. Q. Adams, diary, August 25, 1786. Born in Andover, January 18, 1765; died April, 1798; a physician in Haverhill.

³ Nathaniel Bowman (H. C. 1786) and Tapley Wyeth (H. C. 1786) were later physicians — the one at Gorham, Me.; the other at Sherburne, Mass.

⁴ "Joshua Cushman of Bridgewater will be twenty-three the 11th of next month. Poverty appears to be his greatest enemy; she opposes his progress, and he has a very great struggle with her to go through College. For genius he is neither at the Zenith nor at the Nadir; but somewhere about half way between. For improvements, he has made as many perhaps as his circumstances would allow him. In composition, an admiration of beautiful periods and elegant expression have taken from the natural taste for that simplicity in which alone true beauty and elegance consist. His conversation sometimes degenerates into bombast; to express that he wants a glass of water he will say, that within the concave excavation of his body, there are certain cylindric tubes which require to be replenished from the limpid fountain or the meandering rivulet. In the public exercises of composition, his greatest fault is prolixity. He will write two sheets

degree before next Commencement. He tells me he has not yet preached, as had been reported. Child,¹ Kellogg² and Mead³ are, he says, the only classmates of ours who have yet appeared in the pulpit.

15th. The weather was quite disagreeable for exhibition; in consequence of which there was but little company. Phillips began the performances with a Latin Oration. His subject was General Washington; a subject which must be inexhaustible or it would long since have been exhausted. He spoke well. *Treadwell* and *Gardner* next came upon the stage, in a forensic disputation. Their question was something like this, — Whether mankind have any natural right to authority over one another. They quibbled about words and said on neither side much to the purpose. *Treadwell*, however, did better than I expected of him. In the syllogistic dispute *Cutts*⁴ was respondent, *Blake*² and

of paper full for a forensic, while scarcely any other of the class will scarcely fill half one. He is however esteemed by the class in general as an amiable character, if not as an uncommon genius." J. Q. Adams, March 23, 1787. Cushman settled in Winslow, Me.; was a Representative and Senator in the Massachusetts Legislature, 1809-1811; a member of Congress, 1819-1825; died in Augusta, January, 1834.

¹ Apparently Child decided that preaching was not his vocation, and became a physician and apothecary in northern New York. J. Q. Adams wrote of him, March 17, 1787: "As a scholar he is not remarkable; and although he has endeavoured more than once to display his genius by declaiming his own composition, yet the most common opinion is, that he has not succeeded. Divinity will be his profession, and he has already acquired a ministerial cant, which is such an essential quality to a preacher."

² Samuel Kellogg, pastor at Hebron, Conn., 1788-1793; died at East Hartford in 1826.

³ "Samuel Mead, of Harvard, Worcester Co., will be twenty-five the 30th of this month. His oratorical and scholastic talents are not remarkable on either side; he has a command of his countenance, which gives him a great advantage in declaiming humorous pieces. He is an exceedingly kind neighbour, and I have lived in the chamber adjoining his, upon very friendly terms, this year; but his politeness, I fear, goes too far, for it appears to me, he is always of the same opinion with his company however opposite that may be at different times. He has even been accused of hypocrisy; this charge however, I hope, is entirely without foundation, and I have no reason to doubt of his honour or of his sincerity. The greatest defect which I have observed in him, has been a jealousy and suspicion of what others have said of him. This circumstance has set him at variance with several of his classmates; and has probably been the cause of those reports which have been spread, injurious to his honour." J. Q. Adams, diary, May 18, 1787. Born May 30, 1762, at Harvard; pastor at Alstead, N. H., January 15, 1791, to April 28, 1797; resigned because of a change in his theological beliefs to the Unitarian faith; married Esther Sartwell Crafts, a well-to-do widow; died in Walpole, N. H., March, 1832. G. Aldrich, Walpole as it was and as it is, pp. 327, 328.

⁴ Charles Cutts (H. C. 1789), Secretary of the Senate of the United States during the administration of President Monroe. Born January 31, 1769; studied law with Judge Pickering; Speaker of the lower house of the New Hampshire Legislature in 1804; U. S. Senator 1810-1813; Secretary of the Senate 1814-1825; died January 25, 1846, in Fairfax County, Va.

Wigglesworth opponents. I have forgotten the question upon which they exercised their ingenuity. Bradbury and Hooper personated Plato and Diogenes, in a dialogue upon the conduct of courtiers: the only fault that could be found was that Hooper's delicacy of person and neatness of dress contrasted rather too much with our ideas of Diogenes, and indeed with what he said in that character. Paine and Shaw spoke a Greek dialogue in which I did not feel myself greatly interested; and Abbot¹ closed with an English Oration upon the slave-trade. The composition was very good, and it was well spoken, though the natural disadvantage of a weak voice injured the effect of his delivery. I do not recollect having heard any performances upon this subject at College, and it will afford a fruitful source for declamation. The Governor then arose and made a speech addressed to the students, in which he congratulated them upon their proficiency, and exhorted them to go on in the ways of well-doing. The music which succeeded was but indifferent. They had no violin; and Fay, their best performer, was unwell, and did not attend. After the exhibition was over I went down to Judge Dana's, and dined in company with a number of ladies. Stedman and Harris, the butler, dined there too. There was a Miss Patten from Rhode Island. Almy Ellery is fond of her, and I will trust to her judgment; but was it not for that I should not be much prepossessed in the lady's favour. She is very tall, very young, and very diffident. Miss Badger I have seen before; but there are three or four Miss Clarkes,² of whom I have heard much said, and whom I this day saw for the first time. They are all agreeable; and none of them handsome: Patty is the most comely, me judice. After dinner I called at Dr. Wigglesworth's, but the young ladies were gone over to the College, to drink tea. We went to Phillips's chamber. It was full of company. Between seven and eight we went to Brown's rooms, and danced till between twelve and one. I was completely fatigued, and glad that the company then dispersed. I pass'd the evening very agreeably; and, after breaking up, went with my classmate Foster, and lodg'd at my brother's chamber; where by priority of possession I still claim a right.

16th. Breakfasted at Judge Dana's. Doctor Waterhouse³ came in

¹ Benjamin Abbot (H. C. 1788), son of Captain John Abbot; born September 17, 1762, in Andover; married, in 1791, Hannah Tracy Emery, of Newburyport (see *supra*, p. 330); was principal of Phillips Exeter Academy for fifty years; died 1849. Abiel Abbot, Register of the Abbot Family, pp. 4, 5.

² Daughters of the Rev. Jonas Clarke, of Lexington; see *supra*, p. 312, note. "Patty" married Rev. William Harris, afterward President of Columbia College. Hudson, Hist. of Lexington, Gen. Register, pp. 43-45.

³ Benjamin Waterhouse (M.D. Leyden, 1780), a lifelong friend of John Adams and his son, Hersey Professor of the Theory and Practice of Medicine at Harvard (1783-1812). See letter of John Adams to Dr. Waterhouse dated April 24,

and entertained us for some time with his quaint wit. I paid several visits in the course of the forenoon; pass'd a couple of hours very agreeably with Miss Wigglesworth and Miss Jones — the latter of these two ladies, in former times, was not with me upon so good terms as at present. I thought her capricious and ill-natured; but of late she has been much better. I once wrote a double acrostic for her, neither part of which was true. As I did not insert them at the time I will now introduce one of them; for the contrast is false and unjust. I went to see Mr. Smith, the Librarian, and also to Mr. Gannett's,¹ where Miss Lucy Cranch² has been these two months past. The young lovers went home this forenoon with the Miss Clarkes; and Mr. Andrews did not get back till we had nearly dined. Immediately after dinner I mounted my horse; and got to Mr. Cranch's, between six and seven. My aunt, I found, was gone to Cambridge for Lucy, and expects to return with her to-morrow. I found my friends well except W. Cranch, who has been very unwell, but is recovering. . . .

17th. Fast day. In the forenoon I remained at home, and spent my time in writing and reading. In the afternoon I heard Parson Wibird. Mrs. Cranch and Miss Lucy came home this evening; a person from Boston brought us some letters³ which came from Europe. Callahan

1785, recommending "your old acquaintance [at Leyden] John Quincy Adams" to his "attention and favour" on entering Harvard. John Adams, Works, vol. ix. pp. 530, 531, vol. iii. p. 269; J. Q. Adams, Memoirs, vol. vii. pp. 14, 15, 230; vol. viii. p. 546; vol. ix. p. 4; also letter from Dr. Waterhouse to J. Q. Adams in Proc. Mass. Hist. Soc., 2d series, vol. xv. pp. 460-462.

¹ Caleb Gannett (H. C. 1763), steward of the college 1779-1818; born in Bridgewater; pastor in Nova Scotia 1768-1771; identified with Harvard from 1773 till his death as tutor, fellow, or steward; one of the projectors of the American Academy of Arts and Sciences; a member of the Massachusetts Historical Society. See 2 Mass. Hist. Coll., vol. viii. pp. 277-285.

² Lucy Cranch, cousin of J. Q. Adams, daughter of Richard Cranch; born September 16, 1767; married, April 4, 1795, John Greenleaf, a blind musician, son of William Greenleaf, of Boston; resided in Quincy; died February 18, 1846. J. E. Greenleaf, Genealogy of the Greenleaf Family, p. 217.

³ Among them was the following characteristic letter from his father:—

GROSVENOR SQUARE, Jan. 23, 1788.

MY DEAR JOHN,—I am much pleased with your oration and much obliged to you for it. It seems to me, making allowance for a father's partiality, to be full of manly sense and spirit. By the sentiments and principles in that oration, I hope you will live and die, and if you do I don't care a farthing how many are preferred to you, for style, elegance and melliflence.

To Vattel and Burlamaqui, whom you say you have read, you must add Grotius and Puffendorf and Heineccius, and besides this you should have some volume of Ethicks constantly on your table. Morals, my boy, Morals should be, as they are eternal in their nature, the everlasting object of your pursuit. Socrates and Plato, Cicero and Seneca, Butler and Hutchinson, as well as the Prophets, Evangelists and Apostles, should be your continual teachers.

But let me advise you in another art, I mean oratory, not to content yourself

was to sail about the first of this month, which will probably be extended to the fifteenth. By this time, I suppose, my friends will be at sea.

18th. A cold north-east storm confined us to the house all day. I read a few pages in one of Gilbert's treatises, and wrote a little likewise. The time however was spent without much improvement. Doctor Tufts was over here yesterday, and this day he was attending upon Miss Quincy, who has been very ill in consequence of making a mistake in taking medicine, by swallowing salt petre instead of salts.

19th. The weather has been rather better this day than it was yesterday. I went with both my brothers on a shooting party, an amusement which I follow nowhere except at Braintree, though there could not perhaps be a more miserable place for sport. Dined with W. Cranch and my brothers at Dr. Tufts's in Weymouth; and saw Mrs. Tufts¹ for the first time since her marriage. Last fall she was at Newbury-Port, when Mr. Odiorne was married; and at that time had no thoughts, or at least no expectation, of changing her situation soon. But Mr. Tufts, who had always been remarkably backward in affairs of this nature, was equally expeditious when he was once engaged. He could not even wait till he had got an house ready; but married immediately and lives for the present with his father. We returned, so as to get home just before dark.

20th. I pass'd the forenoon at home in writing. In the afternoon, I attended meeting and heard Mr. Wibird. After meeting, I went down to view the house,² which they are repairing for my father. with Blair and Sherridan, but to read Cicero and Quintilian, — and to read them with a dictionary, grammar and pen and ink, for Juvenal is very right

Studium sine Calamo Somnium.

Preserve your Latin and Greek like the apple of your eye.

When you attend the Superior Court, carry always your pen and ink and paper and take notes of every dictum, every point and every authority. But remember to show the same respect to the Judges and lawyers who are established in practice before you, as you resolved to show the President, tutors professors, and masters and batchelors at Colledge.

Mr Parsons, your master, is a great lawyer and should be your oracle.

But you have now an intercourse with his clients, whom it is your duty to treat with kindness, modesty and civility, and to whose rights and interests you ought to have an inviolable attachment. Mr. Parsons's honour, reputation and interest should be as dear to you as your own.

I hope to see you in May, — Meantime I am with the tenderest affection your Father.

JOHN ADAMS.

¹ See *supra*, p. 328, note.

² "This was the house of Leonard Vassall, a West India planter, which, after the Revolution, had been sequestrated as Tory property. It was built in 1731, and Mr. Adams bought it in 1785. The Vassalls were genteel people, and rigid Episcopalians. . . . The house in Quincy was used as a summer resort, and still contains one room [the parlor] paneled from floor to ceiling in solid St. Domingo mahogany. Originally a small dwelling, it has been added to." Here John Adams

I was not perfectly pleased with it; but it now appears in a very unfavourable light. They are obliged to make the most necessary repairs very hastily, expecting my father in a few weeks. I am in hopes that after my parents return, this place will be more lively and agreeable to me than it is at present. I think I shall never make it the standing place of my residence;¹ but I shall wish to pass much of my time here, and hope the change may be for the better.

21st. We were again confined all day to the house by the badness of the weather. Mr. Cranch, however, went to Boston. I find, as I always have found, great inconveniences in writing here, and indeed there are no small inconveniences in thinking. I wrote, however, a little, and read a few pages in Gilbert's treatise of Evidence,² it being a law book. W. Cranch is reading Bacon,³ but makes no great progress in it at Braintree. It is a book which many instructors recommend to be read through in course; but Mr. Parsons says it is calculated only to make matter of fact lawyers; men, who, without knowing the true principles upon which the science is grounded, or the reasoning by which it is supported, will be confined in their knowledge to *ita lex scripta est*, and will be incapable of applying the principles to new cases, or to circumstances different from such as have already taken place.

22d. I took a ride in the forenoon with W. Cranch. Mr. Cranch came home from Boston, and brought young Waters with him. Mr. Weld, with his wife and her sister, pass'd the afternoon here; and when I return'd from my father's library, where I went to take a list of his law-books, I found Mr. Norton⁴ here. He has some thoughts of going to Menotomy to-morrow, to Mr. Fiske's⁵ ordination; and made this

and his wife spent their latter days and "celebrated their golden wedding, and here too, marvelous to relate, was celebrated the golden wedding of their son John Quincy Adams, and that of their grandson, Charles Francis Adams." D. M. Wilson, "Where American Independence Began," pp. 98, 99. This book contains several views of the house and many portraits. The house is still in the possession of the Adams family, and is now (1902) occupied as a summer residence by Mr. Brooks Adams. See also *Three Episodes of Massachusetts History*, vol. ii. p. 681.

¹ It resulted otherwise. See *Memoirs of J. Q. Adams*, vol. vii. pp. 130, 150.

² *Treatise on Evidence*, by Sir Geoffrey Gilbert, chief Baron of the Exchequer, had been published a quarter of a century; first edition 1761.

³ *The Elements of the Common Law*, by Sir Francis Bacon, was first published in 1630, and had been in use as a text-book for one hundred and fifty years.

⁴ Rev. Jacob Norton (H. C. 1786), born in Abington February 12, 1764; son of Samuel and grandson of Captain John Norton; ordained at Weymouth October 10, 1787; married Elizabeth Cranch February 11, 1789; pastor at Weymouth 1787-1824; died at Billerica January 17, 1858; "a tall, erect, spare man of dignified appearance." Nash, *Sketch of Weymouth*, pp. 170, 171.

⁵ Rev. Thaddeus Fiske (H. C. 1785), born in Weston June 22, 1762; pastor at Menotomy (now Arlington) 1788-1828; married June 17, 1789, Lucy, daughter of Rev. Jonas Clarke, of Lexington; died in Charlestown November 14, 1855. Cutter, *Hist. of Arlington*, pp. 240-242.

a stage on his way. He is paying his addresses to Miss Betsey Cranch, and will, I suppose, marry her, unless some particular accident should intervene. He was ordained last fall at Weymouth, in the parish where my grandfather Smith was settled; and he is said to be a young man of good sense and a good disposition.

23d. The weather was so disagreeable that Mr. Norton gave up the thoughts of going to Menotomy, and return'd to Weymouth. It has been very dull a great part of this month. March was much more agreeable. My brothers, however, went over to Milton in the afternoon. I intended when I came here to have returned yesterday to Cambridge; but I have deferr'd it, and shall probably still defer it till Friday. On Saturday, I must certainly get home to Newbury-Port; where by my diligence I must repair the loss of time which I have sustained in this town.

24th. Charles went to Boston this morning, and brought me back some letters from Europe. I went in the forenoon with Miss Betsey Cranch down to Mrs. Quincy's, where she intends to spend a few days; but I did not see either of the ladies there. Miss Quincy has in some measure recovered from the illness occasioned by a mistake in taking a medicine. I spent my time this day, as I have every day since I came here, somewhat miscellaneously.

25th. I left Braintree between nine and ten, and stopp'd about half an hour at Genl. Warren's. He was gone to Plymouth, but Mrs. Warren was at home. The Genl's political character has undergone of late a great alteration. Among all those who were formerly his friends he is extremely unpopular; while the insurgent and antifederal party (for it is but one) consider him in a manner as their head, and have given him at this election many votes for lieutenant governor. Mrs. Warren complained that he had been abused shamefully, and very undeservedly; but she thought me too federal to talk freely with me. I called for a few minutes at George's office, which he has lately opened. I got to Cambridge a little before one, and called at the butler's room, where I found Mr. Ware and Packard. Dined at Judge Dana's. Miss Jones was there, and agreeable as usual. In the afternoon I went to Dr. Williams's. Sam has been gone about two months to sea. Jenny is still losing her beauty and will soon have none to lose. I was at Abbot's chamber an hour or two, and return'd to Mr. Dana's with Packard to tea. Stedman and Harris, and my very good friend and classmate, O. Fiske, pass'd the evening there; and it was uncommonly sociable. I had promised Pickman to meet him this day in Salem, but was prevented by the weather, as it rain'd all the afternoon. I forgot to mention that my classmate Harris¹ dined with

¹ A lifelong friend of J. Q. Adams; pastor of the First Unitarian Church, Dorchester, Mass., for nearly half a century. J. Q. Adams wrote of him April 9,

us at Judge Dana's. He came a day or two ago from Worcester, where he is now keeping school. It was feared that he was in a decline, but I think he looks better than he did when we left College.

26th. Between five and six this morning, I left the Judge's house with Mr. Andrews, who is going to preach at Newbury-Port. We stopp'd at the Colleges, to take their letters, but they had not risen. The clock struck six as we went out of the College yard. We breakfasted at Newell's tavern,¹ and got into Salem at about ten o'clock. I paid a visit to Mr. Read; he is going to be married, and to a young lady with a large fortune, which is rather surprizing. I met Pickman in the street, and went home with him. After sitting a few minutes we walk'd about the town; I went to see Miss Hazen, who appears just as she did two years ago. Dined with Pickman, and at about two o'clock Andrews called me, to proceed. The weather was so windy, and the surf so great that we had some little difficulty in getting over Beverley ferry.² We arrived in Newbury-Port at about seven. I went and pass'd a couple of hours with Putnam. I then came home, and soon retired, as I was exceedingly fatigued and felt very stiff.

27th. I attended meeting all day, and heard Mr. Andrews. He

1787: "Thaddeus Mason Harris of Malden, Middlesex, will be nineteen the 7th of next July. As a scholar he is respectable, and his natural abilities are far from contemptible; he has a taste for poetry and painting which wants cultivation, and a benevolent heart which wants judgment to direct it. He has a great share of sensibility, which has led him into an excessive fondness for pathetic composition; so that all his exercises appear to be attempts to rouse the passions, though frequently the subject itself will not admit of passion. His speaking is injured by the same fault; for in endeavouring to call up the affections of his hearers, he runs into a canting manner, which disgusts instead of pleasing. This failing is however amiable, because it proceeds from the warmth of his heart. His disposition I believe to be very good, and if the picture is a little shaded by vanity, a foible so universal ought to meet always with our indulgence. His constitution is feeble, and his circumstances are penurious, but his spirit is independent, and his mind is cheerful." October 3, 1789, Samuel Putnam wrote from Newburyport to J. Q. Adams in Braintree: "Our friend and classmate Harris preach't here the Sunday after Andrews's return. He was very ingenious, but his voice was very low. His manner is solemn. On the whole he has improved surprisingly. He went to our club and appeared at least to be as happy as any of us."

¹ Newell's inn, the most ancient tavern in Lynn and one of the most celebrated in the country. Situated at the midway point on the road from Boston to Salem, in a picturesque spot above the Saugus River within sight of the sea, kept by a long succession of hospitable landlords, it had been the favorite resting-place of travellers to the eastward from Boston for over a century, and continued so until the new turnpike from Salem to Boston was opened in 1803, and diverted travel from the old road. From Governors Bradstreet and Endicott to Presidents Washington and Adams, it counted among its guests most of the prominent men of the time.

² Five months later they could have crossed on the Essex Bridge.

speaks very well, and his composition was, I believe, generally pleasing. I sometimes think that he mistakes his genius, and imagines that his fancy is lively and his first thoughts the best; while in truth his conception is naturally slow, and he ought to study greatly his writings. He was this day very brilliant in his expressions and flowery in his periods, but his thoughts were rather too much in the common run, and this fault I have frequently observed in his pieces. In the beginning of the evening, I called at Mr. Tufts's, to give him a watch which I brought for him. I spent the remainder of the evening, and supp'd at Deacon Thompson's. Walk'd with Mr. Andrews up to Mrs. Farnham's, where he lodges; he proposes to return to-morrow to Cambridge.

28th. Dull weather. Wind north-east. It began to rain a little after noon, and continued all the rest of the day. I pass'd the evening at Dr. Swett's. We play'd whist, and I was somewhat unfortunate. Little came home and lodg'd with me; the weather being so bad that he could not conveniently go to Newbury.

29th. The weather this day was tolerable. I went in the evening with Thompson to Captain Coombs's, where we found the young ladies. Polly Coombs is very sick; they fear in a consumption. Nancy Jenkins too has been unwell, and still looks thin. Mr. Farnham and J. Greenleaf were there; and Mr. Cutler. We had singing as usual.

30th. Very agreeable weather. After we had done at the office, I took a long walk with Thompson. We then went to Mrs. Emery's, where we found Miss Roberts. We there pass'd a couple of hours, and from thence went to Mr. Frazier's. We found ourselves in the midst of a large company of young folks. All the College lads, and all the young misses of that sett. We past about an hour with them, and then without much reluctance left them.

Thursday, May 1st, 1788.

Pickman returned this afternoon from Salem. The Club were in the evening at my room. Young Fowle,¹ Thompson's poetical class-mate, spent the evening with us. Pickman went off quite early. He attended a ball in Salem last evening, and what with the fatigue of dancing, and that of riding this day, he was tired out.

2d. After passing the day at the office, I stroll'd with Pickman as far as Sawyer's tavern, where we stopp'd and took a dish of tea. When we set out to return there was a little sprinkling of rain, which we thought was not sufficient to stay our progress; but it kept continually increasing till it became quite a smart rain, and by that time we were so much soak'd that we concluded the sooner we should get home would

¹ Robert Fowle (H. C. 1786), born in Newburyport August 31, 1766; ordained to the priesthood of the Episcopal church at Portsmouth, N. H., in 1791; minister at Holderness, N. H.; died there October, 1847.

be the better. As soon as I got home I was obliged to change from head to foot. Pickman said it was one of the agreeable rubs of life.

3d. I this day got through the 4th volume of Blackstone's Commentaries a second time, and I imagine I have derived no less benefit from a second perusal than I did from the first. I have been longer about it than I wish'd; but the interruption of an whole fortnight by a journey prolonged the time which I took for reading this book, greatly. In the evening I took a long walk with Pickman and Thompson, and as we were returning, we met Mr. Andrews, who was coming from Cambridge. Nothing new. Dull weather.

4th. I heard Mr. Andrews preach; his sermons were both very short, but better, I think, than those he delivered last Sunday. His text was "If they believe not Moses and the prophets, neither would they be persuaded though one rose from the dead." Pickman observed that there was a sermon of Archbishop Tillotson,¹ from the same text, and the similarity is such as proves that Mr. Andrews had read it, though not so great as to charge him with plagiarism. However, the people in this town are so bigotted that a man of Mr. Andrews's liberal religious sentiments will not be half so popular a preacher as one who would rant and rave and talk nonsense for an hour together in his sermon. I wrote a long letter to my brother Tom, which I gave to Mr. Andrews, with whom I pass'd the evening at Mr. Bradbury's. Dr. Sawyer and Mr. Farnham were likewise there. Parson Carey is still very unwell, insomuch that there are but little hopes of his ever recovering so as to attend constantly to the duties of his profession. Mr. Andrews is engaged to supply our pulpit three Sundays more. After which he is under other engagements till Commencement.

5th. I began this morning at the office upon Foster's Crown Law,² a book admirably written, I am told, and notwithstanding the barrenness of the subject as entertaining as it is instructive. I pass'd an hour in the beginning of the evening at Mrs. Hooper's and then went with Thompson to Mr. S. Hooper's. Miss Roberts was there; I think I have already mentioned this lady: she is uncommonly sensible, and if she has not the advantages of youth and beauty, neither is she chargeable with its thoughtlessness and nonsense. Mr. Hooper, as usual, talk'd rather more of himself than of any body or any thing else; but was very complaisant.

6th. In the beginning of the evening, I took a walk with Pickman, up to Mrs. Atkins's. We found only the old lady at home; and

¹ Sermon preached by Archbishop Tillotson at Whitehall, 1678. Sermons on several Subjects and Occasions by the most Reverend Dr. John Tillotson, Late Archbishop of Canterbury (London, 1748), vol. vii. p. 332.

² Discourses upon a Few Branches of the Crown Law by Sir Michael Foster had been in use by law students for twenty-six years, having been first published in 1762 as a part of a larger work.

she was so unwell that we supposed company would not be very agreeable to her, and soon came away. We met Thompson just as we were coming out, he turn'd about, and came back with us. I have little to say. That part of my time which is best improved is productive of nothing which may properly be recorded here; and as these volumes, or the greater part of their contents, are only an account of the occurrences of my idle hours, they must be proportionably trifling and insignificant. While I was in College these books were useful, as they contained copies of all my compositions, which I wished to preserve; but since I graduated, I have scarcely composed any thing, and indeed I have been much too negligent in that respect; but with so many other objects to engross my attention and employ my time, I have perhaps some excuse.

7th. The weather was very fine; I took a long walk in the evening with Thompson and Putnam. Thompson left us, and went to see Parson Spring. Putnam came home, and past the remainder of the evening with me. I have used myself for several days past to rise very early, and should wish to do so through the summer; but my propensity to sleep is so great that it is almost always impossible for me to awake so soon as I wish.

8th. The town met this afternoon to make choice of representatives for the ensuing year. Jona. Greenleaf, Esqr,¹ Theop. Parsons, Esqr., Capt. W. Coombs and Mr. Jonan. Marsh² were the persons elected. We met in the evening at Putnam's lodgings. Stacey desired to join the Club, and was accordingly received. Little did not come, and, as we began to be impatient, we sent over to Dr. Swett's for him, but they sent us word that he was gone to be inoculated for the small pox. This disorder was introduced by a mistake of Dr. Smith, in consequence of which a number of persons have been inoculated, and removed to the pest house. Little went without leave or licence, and is liable to prosecution for so doing; but in his circumstances, I think, he was very excusable in running the risk.

9th. Violent north-east storm, all day. We all dined with Mr. Parsons. Thompson pass'd the evening with me. This storm gives

¹ Jonathan Greenleaf, born July, 1723, in Newbury, began life a poor boy as an apprentice to a ship-builder; married at twenty-one Mary Presbury, the daughter of his employer; carried on the business in person for over twenty years; then entered public life and held office almost constantly from 1768 to 1792, representing the town in the Legislature before, during, and after the War of the Revolution; was a member of the "Essex Junto," and known as "old silver tongue" from his skill in persuading political opponents; was an elder in the Presbyterian church; died May 24, 1807. See histories of Newburyport; also J. E. Greenleaf, *Genealogy of the Greenleaf Family*, pp. 12, 17, 132, 133, 177, 405, 408.

² Jonathan Marsh, a member of the first Committee of Safety of the town, represented it in the Legislature 1788-1791, 1799-1805; died March 7, 1825.

me some anxiety, as possibly Callahan may be now upon the coast. I would hope however for the best.

10th. The storm continued all this day, and rather with increasing violence. Thompson and I again dined with Mr. Parsons. I passed the evening with Putnam, at his lodgings. I this day got through Foster, and have been more pleased than with any professional book I have hitherto read; not even Blackstone excepted. The subject indeed being the Pleas of the Crown is not so immediately connected with a young lawyer's practice as many other books; but as Foster always ascends to first principles, his reasoning may by analogy apply to very different branches. The style is nervous and elegant, suitable to the dignity of the author; and the "pride of virtue," as he himself expresses it, shines forth in every page of the performance. What increases greatly the pleasure with which this book is read, is that the writer appears not only a learned and judicious lawyer but an excellent man. The encomiums which he justly bestows upon Sir Thos. Abney are said to be applicable in a still more eminent manner to himself. And after all, the virtues of the heart have a greater claim even to our veneration and esteem than all the splendid appendages of genius. The compliment which Thompson pays to Pope,

For though not sweeter his own Homer sings,
Yet in his life the more endearing song,¹

is more to his honour than the most laboured panegyric that ever was composed, of his talents. I have undertaken to read Hume's History of England² again. It is almost seven years since I read it, and the connexion of important events in that kingdom has almost been obliterated from my memory.

11th. I attended meeting to hear Parson Barnard³ of Salem. He gave us two very excellent sermons; and his prayers were admirable, which is something very uncommon. I am told indeed that he regularly composes this part of the service, as well as his sermons; an example worthy of imitation. His address for Mr. Carey was tender and affectionate, and the manner in which he spoke it was truly affecting. Thompson and Putnam pass'd the evening with me.

¹ Thomson, Seasons: Winter.

² Hume's History was written between the years 1752 and 1761: the first volume, covering the reigns of James I. and Charles I., was published in 1754; the last two (Julius Cæsar to Henry VII.) in 1761.

³ Rev. Thomas Barnard (H. C. 1766), pastor of the North Church in Salem 1773-1814; was descended from a ministerial family—his brother, father, grandfather, and great-grandfather being all ministers in Massachusetts. He was born in Newbury, and his sister was the wife of the Rev. John Tucker, D.D., of the First Parish Church of that town. See Rev. John Prince, "Sermon preached . . . on the Death of . . . Rev. Thomas Barnard," 1814.

12th. I have been quite unwell these two or three days past; a disorder recurs with which I have been troubled in the spring, the two years back; and it is more inconvenient this time than it ever has been before. At Mr. Parsons's recommendation, I have this day taken up Hawkins's *Pleas of the Crown*.¹ I think I should not now have selected this book, had it been left at my option. This branch of the law will be of no service to me within these seven years, and there are many subjects which will be more immediately necessary. The theories relating to civil actions will surely be sufficient to employ all my time for the remainder of my three years, and I shall certainly have enough leisure time afterwards to acquire a competent knowledge of the criminal law, before I get to the Supreme Court, if I ever do. However, Mr. Parsons must know better than I what is to be done in this case; and I therefore cheerfully submit to his directions. I took a long, solitary walk this evening, and then came home and amused myself for a half an hour with my flute.

13th. I took a walk with Pickman up to Sawyer's tavern, and drank tea there. The evenings are now so short that it was nine o'clock before we got back. Our future prospects in life were the subject of our conversation. The appearance before him is very fair, — his father is a man of large fortune, which although divided among several children gives each of them a sum sufficient for starting forward. He will now in a few months be ready to enter upon the profession; he is paying his addresses to a young lady whose fortune will probably be amply sufficient; and from appearances I should judge he will be married ere long. Yet even he is anxious for his future welfare, and how much greater reason have I to look forward with terror. I have two long years yet before me, which must be wholly employ'd in study, to qualify myself for any thing. I have no fortune to expect from any part, and the profession is so much crowded that I have no prospect of supporting myself by it for several years after I begin. These are great causes of discouragement; but my only hope and comfort is that diligence, industry, and health may overcome them all.

14th. I walk'd with Thompson up to Mrs. Atkins's. The old lady is gone to Boston to spend a fortnight. Mr. and Mrs. Searle² were there; and Mr. Atkins came home soon after. Atkins is a man of abilities,

¹ The *Pleas of the Crown* by William Hawkins had been in use for over seventy years; 1st edit. 1716.

² Mrs. Searle (Mary Russell Atkins) was Mrs. Atkins's eldest daughter; born 1753; married, 1779, George Searle, a merchant in Newburyport; died 1836 in Boston. Mrs. Atkins was probably visiting Mrs. Samuel Eliot, her daughter. Catherine Atkins, born 1758, married, May 14, 1786, Samuel Eliot, a merchant in Boston, grandfather of President Eliot of Harvard University. F. H. Atkins, *Joseph Atkins, The Story of a Family*, pp. 72, 73, 77-80.

but of strong passions ; and, as he was cramped in his youth by his penurious circumstances, his disposition was soured and he is now excessively irritable, and his natural frankness has degenerated to the unfeeling bluntness of a cynic. He has now the expectancy of a considerable fortune, at the decease of an aged relation ; and it is to be hoped that when that circumstance takes place, it may soften his temper and reconcile him more to his fellow mortals. I still continue quite unwell ; it has had one good effect at least, that of making me rise early for several days past.

15th. Club met this evening at Pickman's — all there but Little, who is going through the small pox. Mr. Farnham was there ; the evening was agreeable. Pickman left us at half after eight, to call on a lady who came this afternoon from Salem. After nine we took a walk of a mile or two before we retired ; just as I got home I met a number of people who had just come from the town-house, where, it seems, they were entertained with a concert this evening.

16th. Took a walk after leaving the office, with Thompson and Putnam. We were for calling in at Mr. Frazier's, to see the young girls, but upon the presumption they were not there I would not stop ; accordingly we proceeded. Thompson left us. Putnam was very impatient, but just as we had turn'd the corner into High Street, both Miss Fraziers, and Putnam's own Harriet appeared. He was as happy as present enjoyment can render any one. We walk'd with the girls, and after conducting them home took our leave. Putnam afterwards called to see me. He had no idea of meeting the girls, nor did he even suspect that Harriet could be with them. The most exceptionable part of this young fellow's character is a spirit of deception, a disposition to be cunning, even in the most trifling occurrences of life, in which a complicated policy would require an appearance of the greatest candour and frankness. He is deeply smitten with his Harriet ; every look, and every action afford demonstration strong of this. Yet he pretends to deny it. He is sure to meet her every evening ; and yet he boldly declares that it never happens but by accident. Upon this subject, it is true, his friends have no right to catechise him ; but he himself leads the way by making declarations which any person of common sense, and any ways conversant with him, must know to be totally repugnant with the truth. We laugh at him for this conduct, but he does not appear sensible how much it lessens our esteem for him. And he still attempts to carry on a deception, which we have told him was long since detected.

17th. Dined at Judge Greenleaf's, with Pickman and Thompson. Two Miss Daltons were there, and Miss Deblois, a young lady whose brother is paying his addresses to the eldest Miss Dalton. Miss Deblois has been much celebrated as a beauty ; and she may still be called very

handsome, though she be as much as twenty-seven. She is sociable and agreeable, though she is not yet wholly destitute of that kind of vanity which is so naturally the companion of beauty. She puckers her mouth a little, and contracts her eye-lids a little, to look very pretty; and is not wholly unsuccessful. The Miss Daltons, as usual, talk'd more about themselves and the family than any thing else. The eldest is said to be blest with a very amiable disposition, and as for Polly, Miss Deblois said she made her laugh yesterday beyond measure, and it is well she has the talent of exciting laughter in others; for unless her countenance very much belies her she is seldom guilty of such a trick herself. Judge Greenleaf's daughters are always so much addicted to silence that, although I have been in company with them a number of times, I know not what opinion to form of them. In the afternoon, I took a long walk with Thompson and Putnam. The weather was very dull and disagreeable. Thompson stopp'd at Mrs. Atkins's. I pass'd the evening with Putnam, at his lodgings.

18th. Mr. McKeen¹ of Beverley preached at Mr. Carey's this day. I attended to hear him. His discourses were, though sensible, calculated to please the generality of the audience; I did not like them so well as those of Mr. Barnard the last Sunday. After meeting, Pickman called upon me, and I went up with him to see Mr. Jackson, where we drank tea and pass'd the evening. Mr. McKeen and Mr. Farnham were there, but went away soon after tea. Miss Wendell was likewise with Mrs. Jackson. She is not handsome, but is said to be very amiable. A little after nine I came away; Pickman still remaining there.

19th. Began upon the second book of Hawkins. The first treats of all offences against the public; and this of the punishments to which they are liable. I walk'd with Thompson in the evening; we called at Mrs. Hooper's, and pass'd an hour there, after which we went to Mr. Carter's. Miss Polly goes to Boston to-morrow.

20th. Mr. Parsons had the frame of his house raised, and was consequently very busy. Walk'd with Pickman. We met Thompson, and all went to see Mr. N. Carter, who was lately married. His wife is not quite so stiff in her manners as she used to be, a year and an half ago; but she has already adopted other airs, and appears no less affected than formerly. *De gustibus non est disputandum*; There's no disputing about the choice of a wife. Nancy Cutts, Mrs. Carter's sister,

¹ Rev. Joseph McKeen (Dartmouth, 1774), born in Londonderry, N. H., October 15, 1757; a teacher in Londonderry; a soldier under General Sullivan; 1785-1802 pastor of the church in Beverly which the Rev. Joseph Willard left in 1781 to become President of Harvard University; first President of Bowdoin College, 1802-1807; died at Brunswick, Me., July 15, 1807. Dartmouth College General Catalogue; Hurd, *Hist. of Essex County*, p. 707; Appleton, *Cyclopædia of American Biography*.

appears much more agreeable; and upon the whole I think her the handsomest of the two. However, Mrs. Carter was abundantly com-
plaisant, and we pass'd the evening tolerably.

21st. I walk'd with Pickman in the evening to Sawyer's, where we drank tea, and made it almost ten o'clock before we got home. I then went up with my flute to Stacey's lodgings, our general head quarters. About a quarter before twelve, Stacey, Thompson, Putnam, with a couple of young lads by the name of Greenough, and myself sallied forth upon a scheme of serenading. We paraded round the town till almost four in the morning. The weather, which was not very agreeable when we first set out, was growing worse continually. At length it began to rain smartly, upon which we all separated, and respectively retired.

22d. I was up before eight, and had not slept well even the short time I was in bed. I felt stiff and unfit for almost everything. I read but little at the office, and omitted one thing which for three weeks past has claimed my attention very constantly. The Club were at my lodgings this evening. Stacey however went away somewhat early, to meet some of his friends from Andover; and we were all too much fatigued by the last night's jaunt to be very sociable or gay. At nine we separated as usual.

23d. Continual north east winds have prevailed for a week past. This evening I past with Thompson at Captain Coombs's. We found Mr. Porter and Mr. Kellogg, two young parsons there.¹ The evening was tolerable, and something more. Fanny Jenkins was as easy, as good natured, as talkative as usual. Jenny Coombs² is sensible and clever. Her sister Polly, it is feared, is in a consumption — a disorder by which Captain Coombs has already lost two of his children. Poor, miserable beings we are! dependant for our happiness, not only

¹ Perhaps Ambrose Porter (Dartmouth, 1784), who entered the ministry, and died at Landaff, N. H., November 1, 1832; and Elijah Kellogg (Dartmouth, 1785), studied for the ministry under Rev. John Murray, of Newburyport (pastor of Captain Coombs); pastor of a church in Portland, Me., in 1788; died March 9, 1842. See W. Willis, *Hist. of Portland*, pp. 647-648, 659-661.

² Jane Coombs, second child of William and Mary Coombs; born in Newburyport, Mass., January 22, 1764; married Ebenezer Greenleaf in December, 1796; united in 1799 with the First Presbyterian Church of Newburyport, of which Dr. Daniel Dana was pastor; extremely active in religious work, and is said to have brought one hundred converts into the church. For thirty years she was personally active in mission-work, and took the main responsibility of providing missionary laborers and funds for the Isles of Shoals, then a community of some six hundred fishermen. Mrs. Greenleaf took great interest in foreign missions and in the cause of temperance. Her correspondence with philanthropists and clergymen was extensive. Her husband died in 1834, aged seventy years. She herself lived to be more than eighty-seven years of age. She left two children to survive her departure, one of whom was the Rev. William Coombs Greenleaf, of Springfield, Ill. Her daughter published her memoirs. Manuscript notes of Rev. Horace C. Hovey, D.D., of Newburyport.

upon our own conduct, but equally upon the caprices of fortune and the casual occurrences of a day. What must be the feelings of a parent, who, after rearing a numerous family of promising children, just as they are entering upon the stage of life, and when he begins to reap the rewards for his pains in educating them by being witness to their usefulness in the world, when he fondly hopes to leave them in the enjoyment of prosperous circumstances, to see them drooping and dying under the operation of a long, lingering disease, in which the terrors of death are increased by its slow and gradual approaches. Yet, this is the situation of many parents. And if the causes of misery are thus distributed, as well to the virtuous and the good as to the abandoned and unprincipled, what is the lot we have to expect in the world? I look forward with terror; and by so much the more, as the total exemption from any great evils hitherto leads me to fear that the greatest are laid up in store for me.

24th. Pickman went to Salem this morning. In the evening I took a long walk with Thompson, down towards Newbury Bridge,¹ in hopes of meeting Mr. Andrews; we were, however, unsuccessful. When we returned, I stop'd and past an hour with Putnam. He told me they had received a letter at Mr. Bradbury's from Andrews, informing them that his health would necessarily prevent him from coming to-morrow, but that he will send somebody, if he can, to supply his place.

25th. Mr. Webber preach'd here for Mr. Andrews; and I was much pleased with his discourses. They were quite argumentative; and his manner of reasoning was such as shewed him to be an acute metaphysician. He has always had a peculiar attachment to mathematical studies, and has acquired great knowledge in that branch of science, which has at the same time habituated him to a degree of precision in his reasoning which few people possess. After meeting this afternoon Putnam called at my room, and urged me to go to Mr. Spring's, where, it seems, they were not contented with two services, but were going upon a third. Putnam went, I believe, rather from the motive of seeing certain young ladies there than from an excess of piety. But as I wished to write a letter to W. Cranch, and as Mr. Parsons will go for Boston early to-morrow morning, I declined going with Putnam. After writing my letter I went and took a long walk quite alone, the weather being very fine, and as I return'd I stopp'd an hour at Mrs. Hooper's. Thompson came in soon after me. We walk'd again, and as we were passing before Mr. Frazier's door, the young ladies were standing there. We stopp'd and went in. Mr. and Mrs. Frazier re-

¹ Newbury or Parker River Bridge, with its nine piers and eight wooden arches, dating from 1758 though rebuilt in 1784, was four miles from Newburyport on the road to Boston. "Ould Newbury," pp. 530-539. No bridge had as yet been built across the Merrimac.

turn'd home a few minutes after, with Miss Phillips of Boston, a lady whom I saw at Hingham last fall, who has play'd the coquette, for eight or ten years past, with a number of gentlemen, but who has now a prospect of being married shortly. We soon came away; Thompson pass'd an hour at my lodgings.

26th. In the afternoon, I took a walk with Thompson to see Little. He has the small pox full upon him at this time. We returned, and I pass'd the evening at Mrs. Emery's. Judge Greenleaf's daughters and Miss Smith and Miss Wendell were there. The evening was not agreeable; there was too much ceremony and too little sociability. We conducted the ladies home, and retired.

27th. Mr. Jackson sent one of his sons to inform me that he heard last evening, at Beverly, that Callahan had arrived in Boston. The report I find is all over the town; and I have received the congratulations of almost all my acquaintance here. This evening, by means of an accident which was contrived in the morning, a number of gentlemen and ladies happened to meet at Mr. Brown's house, where we danced till about twelve o'clock. The weather was rather too warm; otherwise the party was agreeable. We often changed partners. And, as there were several more ladies than gentlemen, one or two of the young misses thought they were not sufficiently noticed, and so much mistook the intrinsic value and importance of their resentment as to display it in a manner which raised an involuntary smile, — involuntary, I say, because no one surely could willingly smile at the resentment of a lady. I escorted Miss Newell home; and then retired likewise myself.

28th. Election Day. And there is not a poor devil who has lost his election in the Commonwealth that feels half so much vexed and disappointed as I do. After enjoying the satisfaction of supposing my friends all arrived safe, I find this day that the report was without any foundation; that Callahan has not arrived, and has not even been spoken with, as has been said. I walk'd in the evening with Stacey, and called afterwards for half an hour at Mrs. Hooper's.

29th. Club at Thompson's this evening. Putnam inform'd us, he must leave us at a quarter before nine. I told him he must make no appointments for Thursday evenings. It was no appointment, he said; but he was under an indispensable obligation to write a letter this evening: accordingly he left us. At nine we likewise came away. I took a walk with Stacey in High Street, with the expectation of meeting Putnam; nor were we disappointed. He was walking home with the young ladies that he is generally most attentive to. After we had ascertained the matter sufficiently, we continued a walk, and I came home at about ten. I found a bundle for me which Mr. Carter brought from Boston, but there was no letter with it.

30th. I called this morning at Mr. Bradbury's office, and affronted Putnam by rallying him upon his deception last night. In the afternoon I walked with Thompson; we overtook Mr. J. Tracy and his lady, and accompanied them. As we were passing by Mrs. Atkins's, she arrived with her son from Boston. We stopp'd there a few minutes. Genl. Lincoln is Lieutt. Governor, &c. We spent the remainder of the evening at Mr. Carter's with the old gentleman, as none of the young folks were at home.

31st. Finished this forenoon with Hawkins. Dined at Mr. N. Carter's. As did Mr. Farnham and Thompson; called at the office in the afternoon, but did nothing. Walk'd with Thompson. Went in to Mrs. Hooper's, and drank tea there. Miss Emery was with her. I soon came out and left Thompson there. I took a solitary walk of two or three miles into Newbury; was surprised by the rain, and quite sprinkled before I got home. We have had a great deal of rain this season, but very little warm weather. Fruits rather backward.

Sunday, June 1st, 1788.

Mr. Allen preached for us this day, and I attended to hear him; his sermons are judicious and sensible, but his manner of delivering them is very disagreeable. In the evening I took a long walk with Doctor Kilham, and pass'd the remainder of it at home.

2d. Pickman returned this day from Salem, where he has been for ten days past. I began to read Wood's Institutes;¹ a book written upon a similar plan to that of Blackstone, but much inferior in the execution. I took a long walk this evening alone, musing and contemplating upon a subject which at this time engrosses all my attention.

3d. I walk'd with Thompson a mile or two in Newbury, the prospects on that road are delightful, and I am more pleased with that walk than with any other near this town. We went to Judge Greenleaf's. Mrs. Hodge and Mrs. Parsons were there; we past the evening as usual at that house, the Judge was very sensible and sociable; Mrs. Greenleaf was very agreeable, and all the daughters sat like just so many young misses whose mamma had told them that little girls must be seen and not heard. The Judge to strangers appears to be quite a soft and complacent man; but his family regulations are rather despotic; this circumstance takes off much of the pleasure of visiting there, which would otherwise be great; for his conversation and that of his lady are quite entertaining. She asked me if I had not been greatly disappointed last week; I told her I had, and that it had been a subject of much vexation to me. The Judge said it was well, he always wished

¹ The Institutes of the Laws of England, by Thomas Wood, had been in use for nearly seventy years; 1st edition, 1720.

that his young friends might meet with disappointments and misfortunes, and the greater the better, if they were not such as to debilitate the mind; it was best to be enured to misfortunes in early life; sooner or later they would come; and it was much best to be prepared for them by experience. Thompson came home, and supp'd with me.

4th. Walk'd into Newbury in the evening with Thompson, and we returned through Joppé,¹ by a different route from that which I usually come. We past an hour at Mrs. Emery's. Her daughter is very amiable, though not handsome. She entertained us some time by playing upon the harpsichord. Mr. J. Greenleaf was there; it is reported that he is paying his addresses there. The dispositions of the persons are not sufficiently congenial to render either of them happy, and I should therefore wish that this report, like most others of the same nature, may prove an idle surmise without any foundation. . . .

6th. . . . In the evening I was walking with Thompson; as we were passing before Mr. J. Tracy's, he invited us in. We pass'd the evening there: it was club night, and there were eight or ten such smokers that we were almost suffocated. The evening, however, was agreeable; and after supper I completed my walk before I returned home.

7th. Mr. Parsons came home from Boston this evening, where he has been attending at the General Court; but he brought no news for me. I went with Pickman up to Sawyer's tavern, and drank tea there. This walk is very agreeable and employs the evening well.

8th. Mr. Webster² from Salisbury preached for us this day; a venerable old gentleman who has been subject to many misfortunes, and whose countenance is expressive of the sensibility which has so often been wounded. I took a long walk in the evening with Stacey; a young fellow who has been very imprudent, but whose disposition is, I believe, very good.

9th. Mr. Parsons had so much information to give every one who came into the office this day that we could not attend much to the regular course of our reading. I took a long, lonely walk in the evening, as I often do at present, and I find the practice advantageous both to my health and spirits.

10th. Stroll'd a mile or two with Pickman; he has the appearance of a true and faithful lover, and acknowledges that he takes but very little satisfaction in this town. He proposes spending but a few weeks

¹ The present-day "Joppa," then, as now, a fishing hamlet on the river-bank below Newburyport. "Ould Newbury," pp. 218, 219.

² Rev. Samuel Webster (H. C. 1737), born at Bradford in August, 1718; pastor of the West Parish in Salisbury for nearly fifty-five years (1741-1796); died July 18, 1796; had suffered much from the loss of many children. See Funeral Sermon by the Rev. Thomas Cary.

more here, and then to open an office in Salem. As I came home I stopp'd and past an hour at Mrs. Hooper's.

11th. I walk'd this evening with Stacey. The weather was very beautiful, and we proposed to form a party for a serenade, as soon as may be convenient.

12th. Townsend arrived in town this forenoon. I called at Mrs. Hooper's to see him immediately after dinner; he looks better than he was when he left this town, but his situation still appears to me to be critical. Club met at Pickman's. Putnam appeared rather sober. Townsend was obliged to retire just before sunset. Farnham too was not in the highest spirits, for Mr. Prout marries Miss S. Jenkins this evening. At nine we separated, and at ten met again at my room. We sallied out at about eleven, and serenaded the ladies in town till between three and four in the morning.

13th. Townsend and one or two more of my friends dined with me this day. He went in the afternoon to see Mrs. Emery, and found there a Miss Taylor who came there last evening from Boston; she was going to Exeter, and as Townsend was going to take a ride, he proposed to go in company with her as far as the ferry. This Miss Taylor is handsome and remarkably sociable; and although she has been in a declining state of health for more than a year past, and came very lately from Halifax to Boston merely to recruit her strength, yet by some unaccountable deception she looks in the finest bloom of health. It seems indeed to be an uncommon felicity attending many young ladies at this day, that they can enjoy all the benefits of ill health without being much afflicted with its cruel pains. We accompanied the lady to Amesbury; and after seeing her into the boat took our leave. Returning home, we stopp'd and drank tea with Mrs. Atkins. Mrs. Bass and Mr. Atkins had just arrived from Dunstable. I pass'd the evening with Townsend at Mrs. Hooper's; but came home quite early, as I was somewhat fatigued by the last night's expedition.

14th. Finished reading in Wood's Institutes; a book which has been rendered almost useless by the publication of Blackstone's Commentaries. Dined with Mr. Parsons, took a long walk in the afternoon, and pass'd the evening with Townsend at Mrs. Hooper's. Pickman went to Salem this morning.

15th. Mr. Allen preach'd, and as usual delivered a good sermon in a very bad manner. After meeting, I went up to Mr. J. Tracy's. I found Townsend there, and rode a few miles with him. We return'd and drank tea at Mrs. Atkins's. Townsend's health not permitting him to be out after sunset, we came home early, and I was with him all the evening.

16th. Townsend intended to have set away this morning, to go to Medfield; but the weather was so chilly and disagreeable that he

thought it would be best to wait another day. Thompson and I dined and pass'd a great part of the day with him. I was again disappointed upon the arrival of the stage, as I have been so often heretofore, by hearing no news from Boston. I began upon Bacon's Pleas and Pleadings; a subject which demands great attention.

17th. Townsend left town this morning, but as the wind soon got easterly, I imagine he did not go far. Mr. Parsons went over to Ipswich, where the Supreme Court are this week in session. In the beginning of the evening the weather cleared up, and I took a long, solitary walk. I had turn'd round, and was coming home when I heard a horse coming upon full galop, and somebody called me by name. I stopped and found it was Stacey, who congratulated me upon my father's arrival. He came from Ipswich on purpose to give me the information. Just as I had pass'd by Mr. Tracy's, one of his servants gave me a letter, with a request that I would go down to his house. I went accordingly, and found Mr. Hichborn there; the letter was from Mr. Thaxter, and contained the same joyful tidings that Stacey had brought me. It seems Judge Sullivan left Boston this day at about twelve o'clock; and when he came away Callahan was coming up the harbour; after passing an hour at Mr. Tracy's I came home with a light heart, but not wholly without fears that this information, like that of a similar nature which has been given me three or four times within a month past, should be founded upon a mistake of one vessel for another.

18th. I went to the office in the forenoon, but found myself incapacitated to do any thing, and therefore lost the morning in conversation. Just before two I went with trembling hope to the post office; and as I went into the door my heart almost failed me, but I was soon made happy by a letter from my brother Tom, which confirms the arrival of my parents. In the afternoon, I did nothing more than prepare to go to Boston in the stage to-morrow morning. I called in the evening at Mrs. Hooper's and at Mr. Carter's, to take their commands.

19th. The stage was full from Portsmouth, and consequently I could not obtain a seat. I could not think of waiting till Saturday with a chance of being again disappointed, so I sent forward my little trunk by the stage, and engaged a horse; at about ten in the forenoon I left town and arrived at Ipswich just before noon. The Supreme Court are sitting there, and I went to the Court house, where I saw a number of my friends; among others my classmate Kendall,¹ who is going to the

¹ "Ephraim Kendall of Ipswich, Essex Co., was twenty the 28th of last Novr. There is something peculiar in this character. He is said to be one of the hardest students and one of the poorest scholars in the class. His natural abilities are so small that they can scarcely be improved even by cultivation. He appears to be totally destitute of literary judgment at least; for I have heard him declaim a

Ohio in a short time. I found likewise at Ipswich a number of the young ladies from Newbury-Port, who to be sure were gallanted by their fathers. It was near four o'clock when I left Ipswich; and Pickman at the same time returned to Salem. It was so late when we got there that I could not think of reaching Boston this night, and I therefore accepted of Pickman's invitation to lodge in town. He went with me to Mr. Derby's;¹ but the young ladies were not at home, so that I had not the pleasure of being introduced to his Dulcinea. Learned, who is upon the study of physic in this town, pass'd the evening with us.

20th. I was up early in the morning, and mounted my horse at about seven. It was ten when I got into Boston. I went to Mr. Smith's, and found my father was gone to Braintree, but my mamma was at the Governor's. I immediately went there and enjoy'd all the satisfaction that can arise from the meeting so near and dear a friend after a long absence.² We dined at Deacon Storer's. Old Mrs. Edwards was there (Vol. 2. p. 27)³ and Dr. Waterhouse, &c. Between five and

piece in very plain English, which I was convinced he did not understand. At recitations he was never distinguished for taking the meaning of an author, and in short all his public exercises have been inferior to the common run. Yet he is possess'd of extreme sensibility, and his temper is very irascible. His person is handsome, but there is an unmeaning stare in his eye, which is too expressive of the vacancy in his mind. It would require a very metaphysical genius to prove this to be a good or a bad character; but it is not certainly one which any person would wish to possess." Manuscript diary of J. Q. Adams, May 3, 1787. Ephraim Kendall, according to J. L. Sibley's manuscript memorandum, was born in Ipswich November 28, 1765; died there August 15, 1846.

¹ Elias H. Derby, one of the richest merchants in Salem, a pioneer in the establishment of the East India trade (see *supra*, p. 387).

² With the exception of one brief period of a little over three months, August 2 to November 13, 1779,—during which, at Braintree and in Boston, he was engrossed with the work of the Convention of that year, and his draft of the Constitution of Massachusetts,—John Adams had at this time been ten years absent from home. First sailing from Boston bay February 13, 1778, he got back there June 17, 1788. Mrs. Adams had joined him in London in July, 1784. In May, 1785, J. Q. Adams had left his family at Auteuil, France, returning to America. Their present separation had, therefore, been a little over three years. The impression made on John Adams by the changes which had taken place in Massachusetts during this long absence is interesting; and, in view of the recent unrest and uprisings, hardly what would have been expected. He wrote: "The increase of population is wonderful. The plenty of provisions of all kinds amazing, and cheap in proportion to their abundance and the scarcity of money, which is certainly very great. The agriculture, fisheries, manufactures and commerce of the country are very well, much better than I expected to find them. I cannot say so much of our politics. . . . I regret the loss of the book-shops, and the society of the few men of letters that I knew in London; in all other respects I am much better accommodated here." To Thomas Brand-Hollis, December 3, 1788. Works, vol. ix. pp. 557, 558.

³ J. Q. Adams first met Mrs. Edwards at Mrs. Quincy's in Braintree. He then

six we sat out for Braintree. As I was already somewhat fatigued, my cousin Cranch gave me up his seat in the chaise with my mamma, and took my horse. At about eight we got to Mr. Cranch's, and there my satisfaction and pleasures were again renew'd at finding my father in good health, and here I must stop for the present.

21st. The weather was very warm. I went down to my uncle Quincy's,¹ and from thence on the shore. One lighter arrived in the afternoon with part of the goods and furniture, and the other is expected to-morrow.

22d. Parson Wibird preached in his usual dull, inanimated strain, of late indeed he has lost, it is said, his only claim to merit by declining wholly to change with the neighbouring ministers. After meeting this evening, I went with W. Cranch down to Mrs. Quincy's and drank tea. Mrs. Quincy of Boston was there, and very agreeable.² I had never been in company with her before.

23d. A second lighter came up this day with things from the ship. We were very busy in unpacking during the whole day. A bed was set up in the house, in which I lodg'd, but we have done sufficient to make a great deal of work before we get at rights; there is yet a great deal to be done to the house. When I came from Newbury-Port, I intended to have studied as much here as I should have done there, but I begin to suspect that I shall find it utterly impossible. At least, I have given up all thoughts of doing any thing in that way for the present.

24th. This day we got so far in order as to make a home of the house. I dined at my uncle Cranch's. The remainder of the packages are expected to-morrow, but those that are already here are not all unpack'd. Much damage was done on the voyage.

25th. This afternoon Mr. and Mrs. Shaw came in from Haverhill; they found us still in great disorder. We began this day to unpack the books;³ though we have at present no room to stow them in properly. They were moist and somewhat mouldy, but not injured at all.

26th. We all dined at Mr. Cranch's. Charles came from Cambridge to spend a day or two with us. I continued this whole day quite industriously to unpack and place the books, yet did not get half spoke of her as "an antiquated coquet," adding that "if her face did not give the lye to her behaviour I should suppose her now to be seventeen rather than seventy."

¹ Norton Quincy. The house at Mount Wollaston, built by Colonel John Quincy, from which J. Q. Adams had embarked for Europe with his father, February 13, 1778.

² Mrs. Josiah Quincy, Jr., daughter of William Phillips. See Quincy's Josiah Quincy, pp. 20-23, 35, 36.

³ The collection subsequently given by John Adams to the town of Quincy, in connection with the Adams Academy. Now (1902) in the Boston Public Library building.

through with the business. There are a great many books which I wish very much to peruse; but I have not the time at present, and must certainly for some years be separated from them. *

27th. The day was spent like the preceding ones. There was some company here in the afternoon. I give as much of the little leisure time I have as I can conveniently to some lectures upon History and general Policy, a new publication of Dr. Priestley, whose literary powers may be truly called athletic. There are several other late performances which I am desirous of reading, but more particularly Mr. Gibbon's continuation of his History of the Decline and Fall of the Roman Empire, which is not, however, yet completed.¹

28th. Mrs. Welch and Betsey Smith came from Boston this morning; we all went to Weymouth and dined at Doctor Tufts's. In the afternoon I went over to Mr. Norton's house,² where in my infancy I have spent many days which I scarcely remember even as a distant dream; but before this day I had not been in the house these nine years. As I returned from Weymouth I was overtaken by the rain, and stop'd at Mr. Cranch's; but it did not abate, and I went home in the midst of it.

29th. I attended at meeting and heard Mr. Wibird. The weather was rather dull and somewhat sultry. I am still undetermined whether to return this week to Newbury-Port, or wait till after Commencement. I believe, however, I shall determine upon the latter.

30th. Mr. and Mrs. Shaw return'd to Haverhill this morning; and this day I finished unpacking the books, which, however, must continue for some time in great disorder.

Tuesday, July 1st, 1788.

It was nine o'clock before I could get away from Braintree this morning, and I arrived at the Colleges just before the exhibition began. A Latin Oration was spoken by Kirkland, and was very well. The Forensic between Palmer³ and Waterman was tolerable, but I forget the subject. The English Dialogue between Thacher and Gray was well spoken, but rather stiff. The Greek Dialogue between the youngest Sullivan and my brother Tom was quite short, and not the worse for that. The English Oration was by Blake; the subject agriculture.

¹ The three final volumes of the "Decline and Fall" were published on Gibbon's fifty-first birthday, April 27, 1788.

² The parsonage at Weymouth, formerly the home of his grandfather, Rev. William Smith, stood immediately below the present East Weymouth station of the Old Colony division of the New York, New Haven, and Hartford Railroad.

³ Stephen Palmer (H. C. 1789), son of Rev. Joseph Palmer, of Norton, Mass.; born October 3, 1766; pastor at Needham, 1792-1821; member of the Massachusetts Historical Society. See Proceedings, vol. i. pp. 343-345. Waterman died in 1843 in an almshouse. See S. Willard, Memories, vol. i. pp. 274, 275.

It was in my opinion very flimsy and superficial ; but as we came out I heard a young fellow, who had something of the appearance of a would-be fop, exclaim "upon my soul Blake has given us one of the *genteel*est Orations I ever heard." In former days, gentility with respect to composition consisted in bad spelling and bad grammar ; under which sense the description would not be wholly unjust. But what the expression means at this day I know not ; and therefore its singularity was what I chiefly remarked. I was agreeably surprised to meet my friend Thompson here ; but saw him only for a few minutes. I went down and dined at Judge Dana's. Mr. Ben. Ellery¹ was there, — an uncle to Mrs. Dana, a rich old gentleman and somewhat singular in his character. In the afternoon I called at Mr. Wigglesworth's, and past an hour agreeably with them. I went to Mr. Gannett's ; and at about seven in the evening called at the President's. He was not at home, and as I knew not what to do with myself for the remainder of the evening I thought I might as well go home. I immediately went to Bradish's,² mounted my horse, and, after nine, arrived safe in Braintree, somewhat fatigued with my day's work, but well satisfied with my jaunt.

2d. The weather was extremely warm. I amused myself part of the day in reading, and part in shooting. The cherry trees, which are quite full at present, are so inviting to the birds that there is very good sport with little trouble.

3d. Between nine and ten I went with my father from Braintree ; we got into Cambridge at about twelve. After stopping a few minutes at College, we first went down and called upon Judge Trowbridge.³ He is very old, and although active for his years, yet the depredations of time are conspicuous upon him. We dined at Mr. Dana's. Mr. and Mrs. Channing from Rhode Island were there ; they are agreeable.⁴ In the afternoon we first called at the President's, and drank tea there ; from thence we went to Mr. Gerry's⁵ and past the evening. We

¹ Benjamin Ellery, brother of William Ellery, the signer of the Declaration of Independence. He married the widow of Colonel John Vassall, of Cambridge.

² Bradish's was the tavern of Ebenezer Bradish, also known as the Blue Anchor Tavern, on the westerly side of Brighton, now Boylston, Street.

³ Judge Edmund Trowbridge (H. C. 1728), a loyalist, born in Newton in 1709 ; Attorney-General of the Province in 1749 ; member of the Council 1764 and 1765 ; appointed Associate Justice of the Superior Court in 1767 ; resigned in 1775 ; died in Cambridge April 2, 1793. He lived on Mount Auburn Street, and was an uncle of Francis Dana, to whom he left most of his property. W. T. Davis, *Hist. of the Judiciary of Massachusetts*, p. 97.

⁴ Mr. and Mrs. William Channing, parents of William Ellery Channing. Mrs. Channing was Lucy Ellery, a daughter of William Ellery, signer of the Declaration of Independence, and sister of Mrs. Francis Dana.

⁵ Elbridge Gerry lived in what was afterwards James Russell Lowell's house, "Elmwood."

found Mrs. Warren there, and were in the midst of antifederalism, but quite in good humour. My father had promised to take a lodging at Judge Dana's; but at Mr. Gerry's invitation I past the night at his house.

4th. We left Cambridge by nine o'clock, and got into Boston in the midst of the bustle. We went immediately to Brackett's tavern;¹ after dressing I walk'd out, and met with a number of my very good friends. At about eleven we went to the old South meeting house, and heard Mr. Otis² deliver an Oration, the composition and the delivery were much superior even to my expectations, which were somewhat sanguine. It was greatly superior, in my opinion, to that which he delivered when he took his second degree; the only public performance that I had heard before from him. I saw my good friend Bridge³

¹ Brackett's tavern (Cromwell's Head) was on the northern side of School Street, not far from the corner of what is now Washington Street. See Drake's *Old Landmarks of Boston*, pp. 61, 62.

² Harrison Gray Otis (H. C. 1783) delivered the annual oration at the request of the town authorities.

³ "James Bridge of Pownalborough in the Province of Maine was twenty-one the 23d of last September. As a scholar and as a gentleman, he is inferior to no one in the class, and with no one have I contracted since I entered the university, so great a degree of intimacy. His natural abilities are very good and they have been greatly improved by study. His passions are strong, but in general he keeps them well under command. His genius is metaphysical, rather than rhetorical; in reasoning with him we are rather convinced by the force of his argument, than seduced by the brilliancy of his imagination. He is possessed of much benevolence, and ambition occupies a large share of his mind; he does not endeavour to conceal this, but freely owns his expectations; which are so sanguine that I somewhat fear he will not entirely realize them all. His advantages, however, will be peculiar, and it is, I think, very probable that he will one day be eminent in the political line. Law will be his study; and I have long hoped that we should be together in one office, but many difficulties attend the scheme, and I fear much that it will not take place. My friendship for this gentleman and three or four more of my classmates saddens very much the anticipation of commencement, when we must part, perhaps forever." J. Q. Adams, manuscript diary, March 2, 1787. Six months before, on September 23, 1786, he wrote: "Pass'd the evening at Bridge's chamber. We had considerable conversation, as we frequently have, concerning our future prospects. He is ambitious, and intends to engage in politics. He expects more happiness from it than he will ever realize, I believe; but he is form'd for a political life, and it is probabl[e will] show to advantage in that line."

Bridge was one of J. Q. Adams's favorite classmates, and the following extracts from the manuscript diary for October 4 to 6, 1786, give a pleasing and typical view of their daily intercourse. "We had this morning a forensic given out, to be read next week on the question whether the diversities in national characters arise chiefly from physical causes. I am to support the affirmative, and think upon the whole it is the best side of the question. . . . I made tea for the club. Bridge had a small dispute with me upon the nature of physical causes. He thought the effects produced by sensual appetites could not be attributed to physical causes. I was of opinion that they must be. We appealed

for a few minutes only; he told me he expected to be at Newbury-Port in about three weeks from this. I likewise met with Townsend

to Mr. Burr, and his sentiments confirm'd mine. . . . I have had several times little contests with Bridge upon the subject of our forensic. He is to support the negative side of the question, and will write very ingeniously. He is the only person in the class who is fond of discussing questions of this kind in conversation. We frequently dispute, and it always increases my acquaintance with the subject. The objections he raises are commonly weighty, and they lead me to look further than I should otherwise do into the point in debate, and our difference of opinion is attended with no bad effects, as all acrimony and ill humour is excluded from our conversations."

On his return from college to his home in Pownalborough, Me., he at once plunged into politics. "Will you laugh," he wrote, May 4, 1788, "if I tell you I rode sixty miles (the bad roads made it a hundred) to influence our late election in favour of Federalists in this county? Will you laugh if I tell you I made my father qualify me to vote for Gov., Lt. Gov., & Senator, that I attended our town meeting in Pownalborough, that I voted myself and solicited the votes of others, that I publicly harangued the audience, &c. This was not the half of my zeal."

At the same time he was studying law under the following conditions, outlined in a letter dated Pownalboro', September 28, 1787: "I am nominally studying law with Mr. Gardiner, really with myself. Soon after I had got home I made him a visit, and laid open my plan to him, viz., of putting myself under his direction, and of studying at home (we live two miles apart) he approved it, gave me the first vol. of Blackstones Commentaries to read, and said he would act the part of a friend and neighbour towards me. This is the chief that has passed between us on the subject of Law. I purchased a set of Blackstone soon after and now dont even use his books. About once a fortnight I spend an afternoon in the family, in the common mode of chit-chat, cards, back-gammon, &c. This is the only kind of instruction I am here acquainted with."

Even in 1787 this form of preparation for the legal profession did not secure satisfactory results, and the following autumn Bridge came to Newburyport as a law student of Theophilus Parsons and roommate of J. Q. Adams. He began professional life at Augusta, Me., assuming the practice of General William Lithgow, who then retired. He became agent and attorney for the proprietors of the Kennebec purchase, having a lucrative collecting business. He did not become distinguished in politics. He was a representative from his town to the Legislature in 1799, on the Governor's Council in 1818, a member of the Constitutional Convention of 1819, and a commissioner under the Act of Separation of 1820. Owing to ill health, he retired from the bar in 1812, leaving court business to his junior partner. For twenty years from 1814, he was president of the Augusta Bank; he died in 1834. J. Q. Adams's regard for this early friend is shown by an entry in the diary of March 3, 1828, in a discussion with Clay as to the appointment of agents to defend the northeastern boundary of the United States before the arbitrators appointed under the treaty with England. "I told Mr. Clay, that since I had last seen him, a person whom I believed to be the very best man in the State for the office had been recommended to me by Lieutenant-Governor Winthrop, of Massachusetts, and by the late Senator, Mr. James Lloyd, and, through them, by Mr. Reuel Williams [partner of James Bridge] of Maine. I meant James Bridge, of Augusta, one of my oldest and, in early life, most intimate friends. I had indeed almost lost sight of him for near forty years, but know that by his talents, his information, and the course of his life he must be peculiarly fitted for this particular service; and if he would accept the place, there was not an individual in the State in whose able and faithful per-

as I was going out of the church; and we went together to the Old Brick, to hear General Hull's¹ Oration to the Cincinnati. It appeared to me rather indifferent; and the effect upon me was the greater from the involuntary comparison with that which I had just heard. However, I found afterwards there were many persons who thought, or pretended to think, this Oration better, both in matter and manner, than the other, and they have certainly a right to enjoy their opinions. I dined at Deacon Storer's, Parson Wibird was there and some other company. In the afternoon I walk'd up on the common to see the military parade, which was not however so spirited as at the last anniversary; but, in the middle of the afternoon, the news arrived that Virginia had acceded to the Federal Constitution, and immediately the bells were set to ringing and the guns to firing again, without any mercy, and continued all the remainder of the afternoon. In the evening a number of young fellows paraded round the streets, with candles lighted in their hands and a drum before them, not much to their own credit or to the honour of the day; but they did no damage. I spent part of the evening with several of my classmates; but not finding Bridge, I returned early, and took my lodging at Brackett's.

5th. We called this morning at Dr. Welch's, and at Mr. Guild's; but left town at about ten o'clock. It was almost one when we got to Braintree. I amused myself as I could in the afternoon. Mrs. Warren, with her son Harry stop'd here this night on their way to Plymouth, to which place General Warren has removed back, after living about eight years at Milton. He was formerly a very popular man, but of late years he has thought himself neglected by the people. His mind has been soured, and he became discontented and querulous. He has been charged with using his influence in favour of tender acts and paper money; and it has even been very confidently asserted that he secretly favoured the insurrections and rebellion of the winter before last. Whether his conduct has been misrepresented or not, is a point that must for the present remain undetermined. But he has certainly given some reason for suspicion by his imprudence; and when in a time of rebellion a man openly censures the conduct in general, and almost every individual act, of an administration, an impartial public will always judge that such a man cannot be greatly opposed to a party who are attacking the same measures. Mrs. Warren, however, positively declared there was no truth in those allegations, and was very

formance of its duties I should place more implicit confidence." The reasons why the nomination was not made are given in the *Memoirs*, vol. vii. pp. 460, 483, 504, 529. See J. W. North, *Hist. of Augusta*, pp. 507-510, with portrait; also *Maine Hist. Soc. Coll.*, vol. vi.

¹ General William Hull (Yale College 1772) had an honorable record in the War of the Revolution and in Shays's Rebellion; but is chiefly remembered for the unfortunate surrender of Detroit in 1812.

confident that they were nothing more than the suggestions of the General's enemies, whose malignity was unaccountable, but whose utmost spite and envy could not disturb his happiness.

For all the distant din this world can keep
Rolls o'er his grotto and but soothes his sleep.

6th. The weather was rather disagreeable in the morning, and Mrs. Warren was disposed to stay and pass the Sunday with us, but her son was so anxious to get home that she finally determined to go; and they went away at about nine. I attended at meeting, and heard Parson Wibird dose over a couple of sermons. There is none of my time that I regret more than that I spend in hearing him. Were it not for the propriety of attending public worship abstracted from all considerations of improvement or entertainment, I should seldom enter within the walls of that house while he continues to slumber there.

7th. W. Cranch went to Boston this morning; and I suppose I shall have but very little of his company for the future, as he is to be fixed henceforth for some time to his office. I amused myself, as I have done for several days past, in diverse manners. In the evening my two brothers arrived from Cambridge, having obtained leave to be absent till Friday, when the scholars will all be dismiss'd.

8th. I past the greater part of the day in gunning with my brothers. The weather was, as it has been for several days past, extremely warm, and the fruits of the earth at present greatly require heat.

9th. Doctor Leonard came here in the morning. This gentleman came as a passenger with Callahan. He underwent a violent prosecution, two or three years ago, in England for endeavouring to come to America with some models of manufacturing machines; but, after being two years in prison, he was released and immediately resumed his original intentions, but he is now come over without his models; and he rather purposes at present to practice in his original profession as a physician and surgeon. I bath'd in the sea this afternoon; the first time I have done so this summer; indeed it is rather troublesome here, on account of insects which are almost innumerable.

10th. George Warren came over from Milton this forenoon, and paid us a visit. He opened an office in Milton last winter, and has done as much business as a lawyer generally does for the first six months after he begins; but the prospects are far from being encouraging. When I am in spirits this circumstance strikes me only as an incentive to more strenuous exertions; and at such times I feel such a resolution to overcome difficulties, that I seem already in a fair way of acquiring reputation and property. My father says that when he was a student, he heard an old lawyer tell the present Judge Sewall, who was then a student likewise, "that he never knew a lawyer that studied who did

not grow rich." The observation made an impression, and his own experience has confirmed it.

11th. This day completes my twenty-first year. It emancipates me from the yoke of paternal authority, which I never felt, and places me upon my own feet, which have not strength enough to support me. I continue therefore still in a state of dependence. One third of the period of my professional studies has also now elapsed; and two years more will settle me, should life and health continue, in a situation where all my expectations are to center. I feel sometimes a strong desire to know what my circumstances will be in seven years from this; but, I must acknowledge, I believe my happiness would rather be injured than improved by the information.¹

12th. In the diverse amusements of reading, of shooting birds, and playing upon our flutes, we past the present day. The weather is, and has for a fortnight past been, such that fatiguing occupations cannot be attended to. I read very little, and that of a light kind which does not greatly engage the mind; and as for writing, I have so much abandoned it that I have not written three pages since I left Newbury-Port. My brothers are much in the same way.

13th. Weather still extremely warm. I heard Parson Wibird. Mr. Q. Thaxter was at meeting in the forenoon, and went and dined with us. In the afternoon Madam went down to my uncle Quincy's, and I drank tea with my brothers at my uncle Adams's. And we bath'd at the creek ² in the evening.

14th. Ben Beale ³ came from Taunton this morning; he did not stop,

¹ On the date named, July 11, 1795, J. Q. Adams was at the Hague, representing the United States as Resident Minister. The entry in his diary for that day is but three lines in length, and mentions merely certain calls made by him and the programme of a play in the evening which he pronounced, as a performance, "very indifferent."

² Subsequently named Black's Creek, and still so called. Originally Quincy's Creek.

³ "Benjamin Beale was eighteen the 6th of June last. His father was from Braintree, but he was born at Liverpool in England; he entered the class just before they commenced Sophimores. His disposition is amiable, and he is a good scholar; but the government of the university have so repeatedly taken notice of him at exhibitions, that it has given offence to many of the young gentlemen in the class, and they affect to despise his abilities, and to deny his scholarship. His talents have perhaps been rather overrated by the government, but I fear they are still more underrated in the class; and he is not the only person whose popularity with his fellow students has been greatly diminished by the favours of the government. Notwithstanding all the reports circulated by malice and envy, I believe him very deserving; he displays no vanity, either of his person, which is elegant, or of his genius, which has been flattered by distinction, and this, I think, is a sure mark of good sense. Commerce will probably be his profession; and from his general character, I think he has a good prospect of success. May he obtain it!" Diary, February 28, 1787. Beale died in Paris, France, in 1826.

but promised to come and see us ere long. When I came in from shooting, which still continues to be my sport and my occupation, I found a Parson West¹ here, an old gentleman, who was three years in college with my father, and at that time very intimate with him. He is very sociable and very sensible. He spent the day here, and passes the night likewise. He keeps late hours and entertained me with conversation upon language till between twelve and one o'clock. Doctor Leonard left us this morning, after having past almost a week with us; he appears to be a very clever, well disposed man, but possessing no great learning, nor even much information.

15th. Mr. West went away this morning. My father and my brother Charles went to Boston, whence they will proceed to-morrow to Cambridge. Beale came here this forenoon, and took a dinner with us. He is studying law with Mr. Barnes at Taunton, but spends much of his time at home. Mr. Wibird pass'd the afternoon and evening here. Dr. Tufts called here on his way to Boston, and my brother Tom went to Cambridge this afternoon; for my own part I preferred waiting till to-morrow morning. And I have finally determined to return here after Commencement, at least for a day or two.

16th. Commencement day, I mounted my horse somewhat early, and arrived at Cambridge by nine o'clock. The first salutation I received as I was going into the College yard was, "Repent, for the kingdom of Heaven is at hand." It was a crazy man; but without any great share of enthusiasm, for that sentence was the only thing he said, and he repeated it every two or three minutes during the whole forenoon; and I could not help reflecting with pleasure upon the happy liberality of sentiment, which prevails so much that a man of this kind, so far from attracting the notice of the executive power, could not even draw a crowd around him. I saw my classmates in abundance; there were more than thirty of us here. At about eleven we went to the meeting house; and I got a seat in the foremost gallery, next to Townsend. The procession soon came on, and the President after making a prayer, and informing the audience it was the desire of the overseers and corporation that there might be no "clapping applause," called for the Salutatory Oration, which was spoken by Phillips, and

¹ Rev. Samuel West (H. C. 1754), born in Barnstable in 1730; pastor at Dartmouth (later New Bedford) 1760-1803; lived with his son at Tiverton till his death, September 24, 1807; a member of the Academy of Science of Boston and of Philadelphia; was called by the Rev. Dr. Lowell, of Boston, "one of the giants of his time." An ardent patriot during the Revolution, visiting the camp to encourage the soldiers, he was a member of the Massachusetts Convention of 1788; and, as a classmate and friend of Governor Hancock, was chosen to visit him and persuade him to leave his sick-room and offer his famous amendments in the Convention. W. J. Potter, *The First Congregational Society in New Bedford, Mass.*, pp. 33-50; *Memories of S. Willard*, vol. i. pp. 212-214.

was pretty well delivered. An English poem, on the prospects of America, by Dodge, was not without its merit, but would not bear comparison with that spoken last Commencement by Harris. The order in which the other performances came on was as follows :

A forensic disputation upon this question, — Whether the balance would be in favour of our existence were there no state but the present? By Sanders¹ and Tappan.

A Greek conference upon the evil effects of avarice and of prodigality upon society. By Gardner and Jackson.

A forensic disputation. Whether a republic is more secure of the continuance of its liberties, when the officers in the higher branches of government are elected for several years than when they are annually elected? By Gordon and Lincoln.

An English conference, — Whether a large emigration from Europe into the United States of America would upon the whole be for the real advantage of the States. By Adams 2d and Cabot.

An English Oration. By Abbot.

The syllogistics were omitted, and these performances were finished by two o'clock. I went and dined at Judge Dana's, and at about four returned to the meeting house. An English Oration was delivered by Mr. Ware upon the effects of religion upon civil government and society. It was an excellent oration, and, notwithstanding the President's caution in the morning, there was something like a clap, which proceeded chiefly, I imagine, from the students that were present. The President with his peculiar elegance of expression said, "I am sorry that the desires of the Corporation and Overseers should be infringed upon," and proceeded to give the degrees. There was a new ceremony, of giving a degree of bachelor in physic; two young fellows by the name of Hall and Fleet² received these diplomas, and even the President in giving them seemed to have the awkwardness of novelty about him. A valedictory Oration was spoken by Mr. Allyne,³ and the President made a concluding prayer, which concluded the public ceremonies of the day. I forgot to observe that, after the forenoon

¹ Daniel Clarke Sanders was President of the University of Vermont 1800-1814; pastor at Medfield, Mass., 1815-1829.

² Neither of these first medical graduates from Harvard seems to have attained a position of distinction in the profession. John Fleet (H. C. 1785), belonging to the family of Fleet's Almanack and the Mother Goose Melodies, was a physician in Boston; died January 4, 1813. George Holmes Hall (H. C. 1781), born January 8, 1763, in Medford, was physician, apothecary and store-keeper in Brattleboro', Vt.; died there April 14, 1807. Vermont Hist. Gazetteer, vol. v. p. 61.

³ Rev. John Allyn (H. C. 1785), born at Barnstable March 21, 1767; ordained at Duxbury December 3, 1788; a colleague settled June 7, 1826; died July 19, 1833; a member of the Massachusetts Historical Society. 3 Mass. Hist. Coll., vol. v. pp. 245-252; Justin Winsor, Hist. of Duxbury, pp. 88, 207-209.

performances were finished, the Governor¹ got up, addressed the President, who was likewise standing, by the title of "reverend and learned Sir," and made a long speech in which he blest his stars for being born in a land of Liberty and Science, &c. Some people thought his performance was equal to any in the course of the day; but opinions on that subject were divided. It was prepared before hand, though it bore ample testimony of the genius and learning which the young gentlemen had display'd.

"Wherein all prophets far out went he,
Though former days produced a plenty,
For any man, with half an eye,
What stands before him can espy,
But optics sharp it needs, I ween,
To see what is not to be seen."²

To return. After we came out of the meeting house I stroll'd about for some time, greeting one friend and another as I met them. I went with Forbes and Little, and drank tea at Dr. Wigglesworth's. I returned to College, and spent the evening in diverse places. I finally found young Phillips, and took a supper with him at his chamber, where I found also a number of his classmates. I retired at about eleven o'clock, having enjoy'd the day very highly; but my spirits had been so much raised that I could get but little sleep.

17th. The young gentlemen who graduated yesterday were

Benjamin Abbot	Charles Jackson
Solomon Adams	Abner Lincoln
Thomas Adams	Henry Phelps
Thomas Bancroft	John Phillips
Oliver Barron	James Prescott
Stephen Baxter	Daniel Clarke Sanders
Joseph Brigham	William Sawyer
Joseph Cabot	Amos Tappan
George Caryl	John Dexter Treadwell
Edward Clarke	Charles Turner
Oliver Dodge	Nathan Underwood
James Gardner	Samuel West
Adam Gordon	Robert Wier.
William Hill	

¹ The class of 1787 had petitioned the corporation for a private Commencement, but their request was refused on the ground that it might serve as a precedent, and remove a stimulus to study. "Another reason, which Mr. Willard said, had weight, although the gentlemen did not choose to avow it publicly, was their fear of offending the future Governor by depriving him of that opportunity to show himself in splendor and magnificence." Manuscript diary, April 11, 1787. See Josiah Quincy, *Hist. of Harvard University*, vol. ii. pp. 182-207, for the very strained relations between Governor Hancock and the University.

² John Trumbull, *McFingal*, Canto i. lines 63-67.

Jacob Kimbal's name is inserted in the Theses and Catalogue, but he could not obtain his degree, being unable to pay his bills.

This morning Mr. Andrews called me at College before six o'clock, and we soon departed together towards Braintree, where we arrived at about nine. Mr. Andrews breakfasted with us, and then proceeded to Hingham. My spirits were so much exalted yesterday that a contrary effect seems this day to take place; the bow string by being too much distended cannot regain its usual position without an intermediate relaxation. The weather was sultry, and I felt much fatigued.

18th. Upon the warmest day we have had this summer I was obliged to go to Boston, upon a hard trotting horse with the sun blazing in my face all the way. I do not know that I ever suffered more from the heat. And when I got into Boston I was obliged to bustle about almost all the day. I had to call three times at Mr. Green's store before I could get the payment for a bill of exchange; which, I think, is a very irregular manner for a merchant to transact business. I got the money, however, in the afternoon. I dined at Mr. Dawes's, he was not at home himself; but Mrs. Dawes is a charming woman. She is handsome, but there is an amiable sweetness in her countenance and manners far more pleasing than the most perfect beauty could be without it. W. Cranch accompanied me in all my excursions. We went together on the top of Beacon hill, and greatly enjoyed the fine prospect and the refreshing breeze. At about seven o'clock the wind got round, and it grew quite cool. I mounted, and rode about a quarter of an hour in the rain, after which I had a tolerable ride, and got home by nine o'clock. I had taken some letters from the post-office, which were from my sister at New York.

19th. I was considerably fatigued by my jaunt of yesterday, but made out, however, to read something in the course of the day; and in the slow progress which I have made since I came to Braintree I have at length got through the volume of Dr. Priestley upon History and General Policy, which I take to be an excellent work. I shall take as early an opportunity as possible to peruse it again.

20th. I tarried at home this forenoon, in order to write a letter to my sister. In the afternoon I attended at meeting. Went up to Mr. Cranch's after meeting, and pass'd an hour there. I took my leave of them, and went home to prepare for returning to Newbury-Port. I know not that I ever left Braintree with so much regret. I have past my time most agreeably here these five weeks, and have had almost all my nearest connexions and dearest friends about me; but otherwise, almost all the time has been lost to me, and I must return to those pursuits which are to be the support of my future life. In the winter I hope to spend some weeks here, and then I shall endeavour to join the utile dulci.

21st. This morning I left Braintree in company with my brother Tom, who was going to Haverhill; and in order to have company, so great a part of the way, I determined to go there with him. We stopp'd a short time at Cambridge, and I went to Dr. Rand's to take a letter from Miss Newhall, as I had promised her at Commencement. She was gone out, but had left the letter. We dined in Wilmington, and got to Haverhill between seven and eight o'clock. In Woburn, we saw young Bartlett, who had thoughts some time since of opening an office in Braintree, but got discouraged there and finally determined upon Woburn, where, from the appearance of the place, I should doubt somewhat of his succeeding very much; but in the present state of the profession, there can be but little choice of place for a young man.

22d. I went to see Leonard White this forenoon. His father has been unwell for some days past. His complaints are of a lethargic nature, and his habit is such that such disorders must probably prove in the end fatal to him. He now sleeps as much as half his time, and is consequently half dead. I went to see Mrs. Bartlett, and saw Mr. S. Blodget there; his brother Caleb, and young Mr. Breck I met with yesterday on the road from Boston, at the tavern, and they came forward before us. I pass'd the afternoon at Mr. Thaxter's, and the evening at Mr. Shaw's.

23d. I had almost promised Mr. Thaxter to wait till the afternoon; but as there was an appearance of a probability that the weather would be disagreeable, I thought it would be safest to come home before dinner. My brother Tom rode with me about four miles to the ferry. I got to my lodgings between twelve and one. I called at Dr. Kilham's shop, and there received an invitation from Mr. Marquand to dine with him. There was some company there; but persons with whom I had no acquaintance. I called at the office in the afternoon, and returned to Mr. Marquand's to tea. In the evening, I went and delivered to Miss Coats the letter which Miss Newhall left for her, and came home quite early.

24th. I returned, and once more took my seat in the office, but did little this forenoon. Thompson was unwell, and did not attend. I went with Putnam to club at Little's; there were only three of us, Thompson being indisposed, and Stacey out of town. I was this day inform'd that Pickman has lain aside all thoughts of practising law, and has already opened a store in Boston. The determination was rather sudden; for it is but a fortnight since he was sworn into Court at Salem, where he then intended to open an office immediately. But he never was fond of the profession, and while he was studying with us I suspected that he would never do much business as a lawyer.

25th. Mr. Andrews came to town last night, and called to see us at the office this forenoon. They have engaged him to preach here at

Mr. Carey's for six Sundays, and will probably employ him longer still. I returned this day to Bacon's Pleas and Pleadings, which I left when I went to Braintree, but could not proceed with great advantage, as I left my extract book in a small trunk which was to come this day in the stage, but has somehow failed. I shall make some alterations for the future in my plan of study. I shall not confine myself so closely and exclusively to the law; but shall devote some part of the day to studies of a lighter and more entertaining kind.

26th. I went to pay a visit to Mrs. Hooper, but disappointed her by having no news from her son Jo, who is now with Mr. Townsend. Took a long walk quite alone. We have a new boarder at my lodgings; a Mr. Romain, a Frenchman, who came a few days after I went from here last. I have not seen him yet, as he went on a fishing party the day that I came home, and is not yet returned.

27th. Mr. Andrews preached for us this day, and was somewhat longer than usual, to the great *satisfaction* of some people who cannot easily be *contented*. Mr. Spring and Mr. Murray both had a third meeting in the evening; it was occasional at Mr. Murray's, but Mr. Spring is determined henceforth to make a practice of giving a lecture on Sundays, besides one in the evening on Thursdays. As Mr. Carey's parish may now be considered as vacant, an opportunity presents to attract some of those who belong there. The spiritual welfare of the individuals may charitably be supposed the only motive which Mr. Spring will acknowledge, even to himself, but says the Duke de la Rochefoucault, (who was as fully convinced of the depravity of the human heart as Mr. Spring, and who was much better acquainted with it), "*L'esprit est toujours la dupe du cœur*," — the head is ever the dupe of the heart. And, when the passions assume the form of principle, the disguise will be discovered by every body else sooner than by the man who is directed by them. Mr. Spring's interest will be promoted should he make converts, for his parish is small and poor; his vanity will be flattered, by bringing people over to his opinion; and when in addition to this, his imagination fondly persuades him that his cause is likewise the cause of God, it is not to be wondered that he can reconcile himself to contradictions, and that his practice is openly at variance with his theory, which condemns the use of means for bringing sinners to repentance.

28th. I finished reading Bacon's Pleas and Pleading; but the subject is so knotty that I must at some future period read this over once or twice more. I began a third time upon Blackstone, a book which a lawyer cannot possibly read too much. In the evening, I walk'd into Newbury with Stacey. I have been engaged for some days upon a matter which takes all my leisure time: it is in writing a piece for

the 5th of September. The Society at Cambridge¹ have ordered me to speak on that day ; and I shall obey, if I can possibly attend.

29th. After spending the day as usual, I walk'd with Stacey and Putnam. After going some way into Newbury we return'd and walk'd upon a sort of a terrass in High Street. We there saw a number of young ladies who seemed to expect to be accosted ; and some of whom finally sat down on the grass, perhaps to see if that would not call our attention to them ; but we were really inexorable, notwithstanding Miss Bradbury was there. Indeed it has been observed that Putnam has of late wholly altered his conduct towards her ; and there have been many speculations concerning the cause or the causes of this difference. Some of these young ladies were so much piqued at our apparent neglect of them that they revenged themselves with proper spirit by laughing loud at us as we past by them ; and what punishment could possibly be more severe than the ridicule of a young lady ?

30th. This afternoon Mr. Cutler called at our office, and persuaded me to ride with him up to Mr. Brown's farm, where we found a number of young ladies. The afternoon was tolerably insipid ; we drank tea there, and afterwards escorted the ladies. I rode with Miss Jones, and left her at Captain Fletcher's. I afterwards returned there, but she was already gone. There was a very brilliant northern light in the evening. Mr. Cutler is one of the most complaisant persons with whom I am acquainted. The ladies employ him upon almost every occasion, and yet behave to him in such a manner as does not express a sense of obligations received. They even slight and disregard him for performing those services by which he renders himself useful to them. There are problems in the female character which are not easily solved.

31st. I amuse myself in reading Junius's letters, which, though the factious productions of a partizan, contain many excellent observations upon men and manners. We met this evening at Putnam's. Thompson left us to go to lecture !

Friday, August 1st, 1788.

The day was spent in the usual uninteresting manner. Indeed it may be generally observed that the more advantageously the day is employed for myself, the less I have to say at the close of it. I walk'd in the evening with Stacey, till after nine o'clock.

2d. Mr. Farnham proposed to me this morning to join a party which was formed to go in the afternoon to the grove ; a romantic spot where the young people are fond of visiting. I declined, how-

¹ The Phi Beta Kappa Society.

ever, and they finally gave up the scheme, as they were informed the proprietor of the land had some objections. I have been this week tolerably industrious.

3d. I heard Mr. Andrews preach. About as long as he was last Sunday. I think he is gaining ground in the parish, and am in hopes that he may be finally settled without much opposition; which would greatly disappoint some flaming zealots, who, like all zealots, justify unworthy means by the sanctity of the end. I walk'd in the beginning of the evening with Stacey, and afterwards called at Mrs. Hooper's. Betsey gratified her temper by the most unlimited severity upon a number of young ladies who usually associate together. There appears by her conversation to be some peculiar enmity against them. Her mother always reproves her, and always follows her example. There appears a singular pleasure in observing the trifling and silly conduct of that circle; and thus, throughout society, the follies of one always contribute to the gratification of many others.

4th. Blackstone still furnishes me with employment for my forenoon hours; and I this day took up the fourth volume of Hume's History, which I was reading when I last went from here. This author's manifest partiality in favour of the Stuarts, his unceasing labours to palliate their faults, and his blindness to their crimes, must be overlook'd or forgiven in favor of the great entertainment which he affords. I pass'd the evening with Thompson, at Mr. Carter's. The conversation was not uncommonly interesting, though the old gentleman is always agreeable to me. Betsey Smith of Boston was there, and has been with them for several weeks.

5th. This forenoon a Doctor Young came to our office, for a writ against a number of insurgents. It seems he was a volunteer in the service of government, the winter before last, and, being upon a party against several of them, received a ball in his knee, which has made him a cripple for life. He brought an action against them some time since at Worcester. But his jury were one half of them insurgents, who were for giving him no damages, and the other half thought he should have a thousand or fifteen hundred pounds. They could not agree, upon which he discontinued his action, and is now determined to bring one forward in this county, where he hopes to find a more impartial jury. The cause will, I doubt not, be very interesting, and Mr. Parsons will exert himself. I walk'd in the evening with Stacey.

6th. Putnam went last week to Danvers, and return'd this forenoon. He brought me a letter which came from Townsend enclosing one for Mrs. Hooper. Amory it seems has suddenly determined to open an office in Salem, and has already put his determination into execution. He had concluded to take a trip, either to Georgia or Carolina; but upon being informed that Pickman had altered his scheme, he

thought it would be best to try his fortune first in this part of the country. I went in the evening with Thompson up to Mrs. Atkins's. I told them that Townsend was coming here next week. Becca said she hoped he would make himself welcome by bringing Jo Hooper with him. It was conjectured while Townsend lived in this town that he had a partiality for this lady. He frequented the house very much; and there appears now a coolness in them bordering upon the resentment of disappointment. Mrs. Atkins said that a man must generally be a good judge of his own compositions, and ask'd me if I was of that opinion. I was not, and endeavoured to avoid answering directly; but she would not suffer it; and I was finally obliged to agree to the truth of her observation; protestando to myself that it was only from complaisance to a lady that I agreed, which will always excuse a little self-denying, as Hudibras calls it.

7th. Thompson did not attend this day at the office. Phillips called to see us this afternoon. He has been to Portsmouth, and is now upon his return to Boston. He expects to read law in Mr. Dawes's office. I walk'd into Newbury this evening with Stacey. The evenings grow long to my great regret. At present I can employ the evening from dusk till nine o'clock in walking; and as I am not over fond of visiting, this is the most agreeable, as well as to me the most useful, method of spending my time. I am not upon familiar terms in one house in town; and upon the cold formality of ceremony, with which all my visits must be accompanied, I confess I wish not to be extensively acquainted.

8th. We met this evening at my lodgings, as we have changed the evening in order to accommodate Thompson, who wishes to attend Mr. Spring's lectures. This young fellow, who is possessed of most violent passions, which he with great difficulty can command, and of unbounded ambition, which he conceals perhaps even to himself, has been seduced into that bigoted, illiberal system of religion which, by professing vainly to follow purely the dictates of the Bible, in reality contradicts the whole doctrine of the New Testament, and destroys all the boundaries between good and evil, between right and wrong. But, like all the followers of that sect, his practice is at open variance with his theory. When I observe into what inconsistent absurdities those persons run who make speculative, metaphysical religion a matter of importance, I am fully determined never to puzzle myself in the mazes of religious discussion, to content myself with practising the dictates of God and reason so far as I can judge for myself, and resign myself into the arms of a Being whose tender mercies are over all his works.

9th. Thompson went to see Miss Roberts at Newtown. I cannot read with so much satisfaction for some days past, as I usually do, as my eyes are very troublesome. Walk'd in the evening, but quite alone.

I finished a day or two since my performance for the 5th of next month, and am now very closely engaged in a matter which has been accumulating upon me these two months.

10th. Mr. Kimball supplied the place of Mr. Andrews this day. I observed none of Captⁿ Coombs's family were at meeting, and heard in the afternoon that his daughter Polly had left this world, and I trust for a better, this morning, after an illness of four or five months. In the afternoon I went to Mr. Spring's meeting, and heard a Mr. Story preach there, hammering away in the true stile upon predestination and free-will. None but an atheist, he said, could doubt of the former; and no man that had common sense of the latter. He endeavoured to soften his system as much as possible; hoping thereby, I suppose, that he might be employ'd in the other parish. I walk'd with Stacey and Romain, in the evening. We met Amory, who was returning from Cape Ann, with Miss Fletcher. After he had carried her home, he went at about nine in the evening with Stacey to Ipswich.

11th. Thompson watch'd last evening; in consequence of which he felt not much disposed to study closely this day, and was but little at the office. Walk'd in the evening with Putnam.

12th. I called in the afternoon, for about half an hour, at the office. Attended Miss Coombs's funeral. It was very long. I walk'd with Putnam. As we were returning we accosted Miss Jones and Miss Fletcher, and waited on them home. After which we went to see Townsend, who came in town this forenoon; we past an hour or two there, and afterwards walk'd till between nine and ten. Townsend's cough still hangs upon him; and, although he fancies himself essentially better, his situation appears to me more dangerous than it did four months ago. His spirits however are as brisk and lively as they ever were; and he talks as much as ever, which I believe is rather injurious to him. My time flies from me with the rapidity of a whirlwind, every hour is precious, and every moment unemployed becomes a subject of regret. This afternoon has been lost to me, unless the view of the object before me be turned to some profit; though even that, by showing more forcibly the brevity and uncertainty of life, should rather condemn me for neglecting to improve every minute to the best purposes.

13th. Mrs. Emery, who has been very ill these four or five weeks, died last night, leaving to the wide world two orphan children,¹ who three years ago had the fairest prospects of sharing a fortune of ten

¹ Hannah Tracy Emery (*supra*, p. 330) and Robert Emery. He entered Harvard College, but loss of property compelled him to leave; went to sea; was a ship-master at twenty; lived in Newburyport, Salem and Boston; died August 1, 1841. Rufus Emery, *Genealogical Records of Descendants of John and Anthony Emery*, p. 406.

thousand pounds sterling ; but who, in consequence of Mr. Tracy's misfortunes, are now almost destitute of support. I walk'd in the evening with Stacey and Little. Stacey left us. We met Putnam walking with some young ladies. I joined them, and pass'd the remainder of the evening at Mr. Frazier's. These young Misses have assumed an importance rather above their years, and to the trifling conduct and conversation of childhood unite the punctilious formality of riper years. I receive not much satisfaction in their company, and as they are handsome I had rather look at them for five minutes than be with them five hours. Putnam is not so difficult to please ; he can conform to their manners, and enter into all their debates. He is consequently a favourite.

14th. This was a day of humiliation and prayer at Mr. Carey's, on account of his sickness, and to implore the assistance of Providence in choosing a colleague to supply his place. Mr. Webster of Salisbury preached in the forenoon, and performed very well. But Dr. Tucker in the afternoon was very interesting and pathetic, in showing how good and pleasant a thing it is for brethren to dwell together in unity. I attended Mrs. Emery's funeral. Mr. Andrews made the prayer, and performed even better than was expected. I passed part of the evening with Townsend ; called at Mr. Tufts's to see Mrs. Shaw, but she was gone out. Mr. Shaw called to see me in the morning. They came in town last night.

15th. I called in at Mr. Tufts's to see Mrs. Shaw this morning. I found old Mr. Carter there. Geneological as usual. I dined at his house, with my friends from Haverhill. He asked me to return to tea ; I excused myself. He said that *tippling* business would be going on, every afternoon at six o'clock ; if I would call there I should be welcome. I returned to the office, but felt so much dissipated that I could not attend with much application. We met this evening at Stacey's lodgings. Townsend went away just before sunset. *Lincoln*,¹ a class-mate of Thompson's, pass'd the evening with us. Though a young preacher, he is not so rigid in his principles as many others are. In the close of the evening we took a walk.

16th. Dined with Townsend, in company with Mr. Andrews and Thompson. After dinner we took a ride ; went down to Mr. N. Tracy's, but he was not at home. On the road we met the Governor, who was coming into town. We went to Mrs. Atkins's. She was in fine spirits and consequently very good company. We were, however, obliged to come away early, as the weather was rather disagreeable. I spent the evening at Mr. Hooper's. Mr. Cutler was there. We stroll'd about, an hour or more, after we came away. The week has

¹ Rev. Henry Lincoln (H. C. 1786), born November 3, 1765, in Hingham ; pastor at Falmouth ; died May 28, 1857, in Nantucket. Hist. of Hingham, vol. ii. p. 467.

disappeared in a very singular manner, some thing or other has taken me from my studies every day ; and at the close of the week I regret the time lost without being able to repair it. This is not the first time that I have experienced this effect since I came into this town, and I greatly fear it will not be the last.

17th. Mr. Andrews preach'd for us ; this forenoon he was lengthy in his prayer upon the late misfortunes in the several families. In his sermon he likewise touched upon the subject, in recommending to us so to number our days that we might apply our hearts unto wisdom. I past the evening with Townsend. There fell a considerable quantity of rain in the course of the last night and of this day. And it will be very useful, as the fruits of the ground were languishing for want of moisture.

18th. This morning I perceived a deal of stirring in the streets, and was finally informed that the Governor was reviewing the troops of this town ; after which a number of officers and other gentlemen escorted his excellency to Haverhill, where he intends to dine, and then, I suppose, he means to show himself somewhere else. I passed the day at the office, and the evening at home in writing. I intended to have taken my usual exercise ; but upon leaving the office I found it was raining, and it continued all the evening. I amused myself tolerably well at home. I have indeed had for some time past almost as much business to do at my lodgings as at the office ; but I hope to be gradually relieved.

19th. Several of the gentlemen who accompanied the Governor yesterday to Haverhill went on to Salem with him, and did not return till this evening. I was with Townsend.

20th. I was walking with Putnam in one of the streets in town this evening, when we heard a strange noise in a house, and a number of people standing round it. We went up to the window and heard a man exhorting, as they call it, that is calling upon God in every tone of voice, and repeating a number of texts of scripture incoherently huddled together so as to make an unintelligible jumble of nonsense, which they think is a proper method of seeking the Lord.

21st. Upon Stacey's invitation I went with him and Putnam, and two young lads by the name of Greenough, to Mr. Greenleaf's, where we had something like a concert of music. The house was soon filled with people ; it seemed as if there was nobody within five miles that had ever heard the sound of a violin before. Some of the young ladies thought it would be pretty to join with their voices in the music ; and the concert thenceforth became both vocal and instrumental. I was fatigued by ten o'clock and could blow no more ; and finding that Stacey and Putnam had got so much engaged with a lovely songstress, (or one that might be lovely) as shew no prospect of

an intention to quit, I came off, and left them at about eleven o'clock.

22d. We assembled this evening at Thompson's. Mr. Greenleaf called in and past an hour with us. He was apprehensive that we were disgusted with the crowd last evening; but we undeceived him. He talk'd about the war; for he was an officer in our army.

"And little of this great world can he speak
More than pertains to feats of broils and battle."¹

Putnam has not yet got over his trick of leaving us to join the young ladies; but this evening he acknowledged he was going to Mr. Frazier's. We likewise walk'd in the evening, and stroll'd about till ten o'clock.

23d. Dined at Thompson's, with Mr. Andrews and Townsend. In the afternoon I took a ride with Little to Haverhill. I endeavoured to persuade him to go with me the week after next to Cambridge; but my labour was in vain. We had a very smart thunder shower while we were on the road, but it was very soon over.

Here this journal very abruptly breaks off. I had long doubted whether the utility attending the method which I have pursued were adequate to the time I have devoted to it. But an indisposition which for two months has prevented me from writing, has finally turned the wavering scale. I will not however immediately drop all memorials of my transactions; but the remainder of this volume will probably contain a space of time as long as that recorded already in more than two vols. and an half.

Wednesday, September 3d. I went over the river with Stacey and Romain upon a shooting party. We had tolerable success. It was very windy; and with a heavy boat and only one oar we had some difficulty to get across the river. Bridge arrived this day in town. I proposed to him to go with me to-morrow; and he has partly promised to accept my proposal. I this evening informed Mrs. Leathers of my intention to change my lodgings.

Thursday, September 4th. Left Newbury-Port this morning with Bridge. We dined at Putnam's in Danvers, very indifferent entertainment. After mistaking our road and going to Winisimet ferry, we finally got to Cambridge a little before nine o'clock. Lodg'd at Bradish's.

Friday, September 5th. The assembly at the anniversary of $\Phi B K$ was more numerous than I have known it. There were near forty members present, among whom were two from Dartmouth College. Lincoln, who was to have been one of the speakers, obtained leave to be excused on account of ill health. The Governor, happening to be

¹ Othello, Act i. Scene 3.

here with the admiral, and some other officers of the French squadron, now in Boston harbour, honoured us with his presence, as did all the college officers. I spoke the oration which is hereto annexed, after which we retired to the butler's chamber: the French Consul,¹ who had likewise attended, came there to compliment me, &c. After doing what business was necessary, we all went down to Warland's and dined together; and the festive board crowned the enjoyments of friendship.

.
We separated early in the afternoon, and I went and paid a visit at Dr. Waterhouse's, and at Mr. Williams's. I went to Boston, where Bridge left me; and I took up my brother Tom. We met my class-mate Tom Chandler,² who just came from Halifax. We got to Braintree between seven and eight o'clock, where I found Mr. Parsons, who pass'd the evening with us, but lodg'd at Mr. Woodward's.

Sunday, September 7th, 1788. The Marquis de Sainneville, commander of the French Squadron now in the harbour, and the Chevalier Maccarty de Martegues, captain of the *Achille*, dined here to-day. Several other officers were detained by the badness of the weather.

Wednesday, September 10th. The Governor, with the captains of the French vessels, the French Consul and some other gentlemen, dined with us.

Friday, September 12th. I left Braintree to return to Newbury-Port. Found Bridge in Boston. Dined at Mr. Smith's. We left Boston at about five o'clock, and rode ten miles to Newhall's tavern, where we lodge.

Saturday, September 12th. Breakfasted in Salem; saw Amory

¹ Le Sieur de L'Etombe was consul for Massachusetts in 1788. July 13, 1798, his exequatur, as Consul General resident in Philadelphia, was revoked by President Adams for infringements of the neutrality of the United States. See John Adams, Works, vol. viii. p. 615; vol. ix. pp. 6, 14, 170; Wells, Life and Public Services of Samuel Adams, vol. iii. p. 141.

² "Thomas Chandler of Worcester was nineteen the 11th of last January. His father was formerly one of the most opulent individuals in N. England; but in consequence of his siding with the British in the late war, a large part of it was confiscated; he had fifteen or sixteen children, so that Tom has not the prospect of a very great estate. His disposition is good; he is extremely irascible, but

He carries anger, as the flint bears fire;

a trifle will throw him off his guard, but a moment's recollection, reforms him. In the space of five minutes I have seen him calm, raging, violent and repenting; excepting at such times his temper is easy and contented; his happiness, however, proceeds chiefly from want of thought and reflection. In short, he appears to be influenced so entirely by his passions that I should think him rather an instrument of action than a moral agent." Manuscript diary of J. Q. Adams, March 14, 1787. Chandler was a "merchant" in Worcester, and died there in May, 1804. W. Lincoln, Hist. of Worcester (1862), p. 225.

and Learned. Dined at Ipswich. We got to Newbury-Port at about five. We lodge this night at Mrs. Hooper's.

Sunday, September 13th. I did not sleep a wink the whole night. My nerves are in a very disagreeable state of irritation. I attended meeting all day at Dr. Tucker's, with Bridge. I called in the evening at Mr. N. Carter's and at Mr. Tufts's, to deliver letters. At Mr. Tufts's I saw Mr. Shaw, who I find preached for Mr. Andrews this day. I retired early, and went to bed, but could get no sleep. After laying about three hours, I got up and went over to Dr. Swett, and requested him to supply me with an opiate, which he did; it gradually composed my nerves, and gave me a few hours of sleep.

Saturday, September 20th. I have had three or four sleepless nights this week, and for the little rest I have enjoyed I have been indebted to soporific draughts. I dined this day with Mr. Parsons, with Bridge and with Foster,¹ who took his station in the office on Thursday. This afternoon I mounted a horse and went to Haverhill, where I am determined to spend a few days, and see if I cannot recruit my health. I found H. Lincoln here.

Wednesday, September 24th. Lincoln went yesterday for Hingham; I went with Mr. and Mrs. Shaw to Andover. There was a large company at Mr. Symmes's;² and after dinner we had a lecture, the sermon was intolerably long. Singing remarkably good. We got back to Haverhill just after sunset. My brother Charles with Daniel Russell arrived here this evening. Charles obtained leave to come and see me. Mr. Thaxter and his lady pass'd part of the evening here.

Saturday, September 27th. Another tedious, sleepless night. Charles and Russell returned to Cambridge. I dined at Mr. White's, and in the afternoon got a little sleep which greatly refreshed my drooping spirits. Mr. French was here in the evening.

Tuesday, September 30th. The weather was not very favourable; but, as the Court of Common Pleas was to sit this week in Newbury-Port, I concluded to return there. When I got home I found Bridge unwell. Nothing done at Court but preparatory business this day. I retired early to bed.

Wednesday, October 1st, 1788.

"O gentle sleep,
Nature's soft Nurse, how have I frighted thee
That thou no more wilt weigh mine eye lids down
And steep my senses in forgetfulness."³

¹ Bossenger Foster, classmate of J. Q. Adams; see *supra*, p. 338.

² Rev. William Symmes, D.D. (H. C. 1750), pastor at North Andover, 1758-1807. Hurd, *Hist. of Essex County*, pp. 1666, 1667. See *supra*, p. 323.

³ II. Henry IV., Act iii. Scene 1.

In the present situation of my health I cannot possibly attend at all to study, and this circumstance with some others has determined me to spend some weeks, perhaps some months, at Braintree. I spoke for a place in the stage which goes to Boston to-morrow. No business of consequence done at Court this day. Pass'd part of the evening at Mr. Jackson's.

Thursday, October 2d. I took my seat in the stage, in company with a lady who came from Portsmouth, and Mr. Vaughan, the brother of the gentlemen with whom I was acquainted in London.¹ It was seven in the evening before we got to Boston. I went to Mr. Smith's; we pass'd part of the evening, and lodged at Dr. Welch's. Lodg'd at Mr. Smith's.

Friday, October 3d. W. Cranch came into Boston with my father, who, coming upon business which will detain him in town this night, gave me an opportunity to get to Braintree. I came home in company with my cousin.

Tuesday, October 7th. Mr. Murray,² the preacher who came from England with my father, came this day to pay him a visit, with his lady whom he has lately married. He appears to be a man of an easy temper and an ingenious mind, though not highly improved by learning. His wife is agreeable; though she appears a little tinctured with what the French call *le précieux*.

Tuesday, October 14th. My occupations have been very regular, and similar for a week past. Last Thursday night I again experienced a total want of sleep. By the help, however, of medicine and of constant exercise I think I am in a way to recover.

[This portion of the diary here ends abruptly. The last three words of it began a sentence never completed, — "This evening my —." The next page is blank. The three closing entries, those of October 3d, 7th, and 14th, were made at Braintree. Mr. Adams remained there from October 3d to December 8th, riding, tramping the fields and marshes gun in hand, and reading Gibbon's "Decline and Fall," the "Institutes of Justinian," and Foster's "Crown Law." He continued to suffer from insomnia, and the consequent depression of spirits found no alleviation from attendance on church services conducted by Parson Wibird, who, he emphatically declared, "has no feeling." From the ministrations of the Rev. Oliver Everett, of Dorchester, father of

¹ In October, 1783, J. Q. Adams visited London with his father; and, in the following summer, when his mother and sister crossed the Atlantic to join John Adams, recently appointed Minister to France, he spent a month in London awaiting their arrival. Letters of Mrs. Adams, (1848) pp. 173, 185, 186; J. Adams, Works, vol. iii. pp. 385-387.

² Doubtless Rev. John Murray, the Universalist preacher; pastor at Gloucester, Mass. See Appleton, *Cyclopædia of American Biography*; Babson, *Hist. of Gloucester*, pp. 429-439.

Edward Everett, who occasionally exchanged pulpits with Mr. Wibird, he derived more satisfaction. In November John Adams and his wife left Braintree to go to New York, temporarily the seat of the new Federal Government, in which Mr. Adams had been chosen to the office of Vice-President. On the 8th of December J. Q. Adams returned to Newburyport, resuming his studies in the office of Mr. Parsons. His diary was now reduced to daily memoranda of a single line each, and so continued until the following September (1789). The winter of 1788-1789 was passed partly at Newburyport and partly at Braintree, reading, riding, skating, and "hunting for partridges and quails," with occasional social entertainments. Among the law books now read, he noted Barrington's "Observations on the Statutes" and Buller's "Nisi Prius." He became also intimate with the family of Mr. Moses Frazier, of Newburyport, one of whose daughters, Mary, especially attracted him. Rumors of a marriage engagement were in circulation; and, years afterwards, there appeared in a Newburyport paper a highly colored account of the incident, in which Mr. Adams, then ex-President and a man of seventy, was made to declare "that in all which constitutes genuine beauty, loveliness, personal accomplishments, intellectual endowments and perfect purity of life and heart, Miss Mary Frazier excelled" anything he had ever known of "the most attractive and recognized beautiful among the female sex in Europe and America." And he declared that he "loved her then," and loved "her memory" still.¹ The writer of this over-colored and extremely apocryphal narrative then went on to add that J. Q. Adams acknowledged to him an engagement with Miss Frazier, but on the understanding "that should either see cause to change their mind they were left free to do so. The direct cause of the breaking off of the engagement [was] because of the very proper interference and advice of Miss Frazier's family and friends. They charged that Mr. Adams was quite young [twenty-two], without a profession, and with no very good prospects as to the future," etc. And, Mr. Adams is alleged to have added, "In this advice they were about right, for I then certainly had no very flattering prospects, near or remote." The writer then asserted that the tradition in Newburyport was that Miss Frazier remained unmarried until after the news reached her of the marriage of Mr. Adams, in London, in 1797, seven years later. Concerning this episode, Mr. Adams at the time wrote to his mother: "But upon one subject, on which from a passage in your letter I am led to suppose you are under some apprehensions on my account, I think I can safely assure you they may be quieted. You may rest assured, my dear Madam, that I am as resolutely determined never to connect a woman to desperate

¹ Recollections of Newburyport by James Morss, "Newburyport Herald," June 30, 1864.

fortunes, as I am never to be indebted to a woman for wealth. The same spirit, I presume, will operate equally to prevent either of these cases, and you shall never be requested for your consent to a connection of mine, until I am able to support that connection with honor and independence." On the 9th of August, 1789, his friend and fellow student, William Amory, was married to Lucy Fletcher. Meanwhile his own health seems to have been in great degree restored, for he notes numerous meetings of the "club" in which he participated, sociable evenings, "noisy walks" and serenades "till three in the morning." One day they indulge in "an after dinner dance, company small but agreeable"; and, the next, he sees "the ladies' scheme for a sail fall through." Altogether, the student life at Newburyport seems not to have been devoid of attractions. Finally, after one of many evenings passed at Mr. Frazier's, the more detailed diary reopens.]

Newbury-Port, Sunday, September 6th, 1789.

Twelve months have nearly elapsed since I discontinued this journal altogether. Several months of ill health detained me at Braintree, and wholly disqualified me for the use of the pen; after attending the session of the Supreme Judicial Court at Boston in February, I return'd to this town on the 26th day of March, since which my health has been gradually restored, and is now almost as good as it was previous to my sickness. The events which have occurred since I have omitted to record them have not been sufficiently interesting to induce me to regret the loss; but as those which are now immediately before me may be more important, I shall, for a few weeks at least, resume the practice, which sickness at first, and indolence afterwards, led me to disuse.

7th. I have for several months past intended to pay a visit to my friends at New York; and several circumstances concur to render this period the most eligible for that purpose. I left Newbury-Port this morning in company with Mr. Atkins, Parson Andrews, and Tom Hooper who are going to Cambridge to attend the anniversary of the Φ B K which was deferr'd from the 5th inst^t till to-morrow. My intention was to have gone from Boston in the stage, which is to proceed on Wednesday for New York; but on my arrival in town I found the places were all taken up. I then concluded the most expeditious method would be to go from hence to Providence by land, and there take a passage for New York in one of the packets. I found the stage to Providence will go to-morrow morning at four o'clock. Being destitute of cash, I obtained of my friend J. Phillips the loan of a sum sufficient for my journey, for which I drew an order upon Dr. Tufts. I pass'd the evening very agreeably with W. Cranch at Mr. Dawes's,

and between eleven and twelve came to Hatch's tavern, from whence the stage takes its departure.¹

8th. It was six this morning before the stage started. I had two companions; one a Mr. Wright from North Carolina; the other a young man from Connecticut by the name of Lanman.² We were tolerably sociable. Lanman sung a number of songs of his own accord, and sung very well. But, upon being requested by Mr. Wright to continue, he altogether denied that he could sing at all. We breakfasted at Dedham, dined at Attleborough, and arrived at Providence at about six in the evening. We stopped at Daggett's tavern. I walk'd round the town in the evening with Landman. He is young and communicative.

9th. I walked out with Lanman this morning, and went to the College, which consists only of one building,³ nearly as long as two of the halls at Cambridge. This being a time of vacation the tutors were absent from the College, so that we had not an opportunity of seeing the library; which, however, is very small. The chambers are not, I think, so well arranged, they are certainly not so decent, as those at Cambridge. Mr. John Brown's house⁴ is likewise a very conspicuous building. We only saw the outside of it, which is the most magnificent and elegant private mansion that I have ever seen on this continent. The Baptist church⁵ in this town is said to be the handsomest house of public worship in America, and there are a large number of very good private houses. The streets appear to be busy, and every thing exhibits evidence that this is a flourishing and thriving town. But the people appear much aggrieved by the proceedings of their government,⁶ who

¹ Israel Hatch then kept the White Horse Tavern, Newbury Street, as a part of Washington Street was called. It stood a short distance south of the present Adams House. See Drake's *Old Landmarks of Boston*, pp. 392, 393.

² Perhaps James Lanman (Yale College, 1788), of Norwich, Conn., then (1789) twenty years old. He held afterwards numerous important offices; was United States Senator 1819-1825; a supporter of Crawford for the Presidency; a Judge in the Superior Court of Connecticut 1826-1829; mayor of Norwich 1831-1834; died August 7, 1841. Lanman, *Biographical Annals*; J. Q. Adams, *Memoirs*, etc.

³ "University Hall" at Brown; then under the presidency of James Manning.

⁴ The proprietor was a prominent and patriotic merchant, who planned and promoted the attack on the British ship "Gaspee" in 1772.

The house passed by inheritance to the Herrisoffs, and then was purchased by Mrs. Elizabeth Gammell. It was lately acquired by Mr. Marsden J. Perry, and is being amply renovated, but the original style is carefully preserved.

⁵ A fine church, built in 1775, from the designs of James Gibbs, an English architect, who worked in the style of Wren. The University holds its exercises for Commencement there.

⁶ There was much dispute concerning the adoption of the Constitution of the United States. In the preceding year there had been party rancor and some violence. See Arnold, *History of Rhode Island*, vol. ii. pp. 541, 547.

for several years past have given the sanction of law to every species of iniquity. Their Supreme Judicial Court are now in session at Providence. I went into Court twice this forenoon; they were doing nothing, and the appearance of the Judges was a perfect burlesque upon justice. At about twelve o'clock we went on board the packet *Leopard*, having for fellow travellers, besides the two gentlemen with whom I came from Boston, a Mr. Goldthwait, a merchant of Newport, whom I formerly saw at the Hague, and a number of women who appear habituated to move in humble stations of life. There was a man with them, who entertained us very highly with singing. He had an inexhaustible fund of songs; but, in the whole collection, there was not one that I ever heard sung before; nor one that was tolerably good. Vulgarity and nonsense were completely united in every one of them. The distance between Providence and Newport is about thirty miles. The usual passage is from five to six hours, but we sailed in a calm, and, after being carried down by the tide and the trifling breezes which arose about half the way, we were obliged to come to anchor in order to avoid drifting backward by means of the tide, which had turned against us. We continued at anchor from seven in the evening to one in the morning; and then again took advantage of the tide, and of a small favourable breeze which came up. The cabin was small; the accommodations not sufficient for the number of passengers; and the beds very indifferent. From a mixture therefore of choice and necessity, I walk'd on deck a great part of the night, and had not slept an hour, when, at six in the morning, we arrived at Newport.

10th. We put up at Townsend's tavern, being near the wharf from whence the New York packets sail. I engaged my passage on board the *Rambler* packet, Captain Peterson, who intends to sail to-morrow. I paid a visit to Mr. W. Ellery,¹ but *Almy* was not at home. I endeavoured to sleep, but found it impossible. Lanman had letters for Mr. Marchant's family;² and, soon after dinner called at Townsend's with young Marchant, who gave me an invitation to drink tea with him, and I accordingly went. There was some company. Mr. Marchant himself is gone upon a deputation to New York. His lady was very civil. His two daughters perform very well upon the spinnet, and accompany their performance with very good singing. I spent

¹ William Ellery, father of Mrs. Francis Dana of Cambridge, a signer of the Declaration of Independence and one of the most influential members of the Congress of the Confederation. Almy Ellery, his daughter, married Hon. William Stedman; see *supra*, p. 299. G. C. Channing, *Early Recollections of Newport, R. I.*, pp. 207-216; W. R. Staples, *Rhode Island in the Continental Congress*, etc.

² Presumably Henry Marchant, a delegate from Newport to the Congress of the Confederation; very active in securing the adoption of the Constitution of the United States; appointed by President Washington District Judge. W. R. Staples, *Rhode Island in the Continental Congress*, etc.

the afternoon and evening very agreeably, but retired early, being much fatigued after a sleepless night and an active day.

11th. The wind is pleased to postpone our departure at least for one day more. Landman sailed at noon in a small boat for New-London, but returned before night; not being able to proceed further than a point about fifteen miles from this. A packet arrived from New York this day after a passage of twenty-four hours. I was standing upon the wharf when she arrived, and was surprised to see W. Amory¹ step from her. He only stopped to dine, and intends going on as expeditiously as he can to Boston. I took the opportunity to write a letter to Bridge. I pass'd the afternoon at Mr. Marchant's, where I saw a daughter of President Stiles, a lady of great vivacity, entertaining conversation, and agreeable manners, but no beauty. Mr. Goldthwait called upon us, and invited us to take tea with him; he has two daughters, who have no particular attractions of that kind which inspires admiration at first sight. We likewise found there a Mr. Meyer, whom I once saw in Boston about six weeks ago. He is a Philadelphian, but is settled in the commercial line at Cape François. There is a softness in his character, which proceeds perhaps from an affectation of great sensibility. He is apparently very fond of poetry, and is well acquainted with the English poets. His quotations from Milton,

¹ The following is from the diary of J. Q. Adams kept while representing the United States at the Hague between 1794 and 1797. The W. Amory of 1795 cannot be identified positively with the bearer of the same name of six years previous:—

July 14, 1795. "... In the afternoon W. Amory called on me; said he was a prisoner of war to the French army, and was desirous if possible to be liberated; that he had been sick in the hospital near Rotterdam, these ten months, and being now upon the recovery, and having an opportunity to go home, he was very anxious to obtain a discharge. I wrote immediately to the Representative Richard a card, requesting to know when I could speak with him this day. Towards evening his Secretary Brulé called and told me that Richard would be at home the remainder of the day, and would see me at the hour most convenient to myself. I went immediately afterwards, and stated to the Representative the circumstances of Amory's story as he had told them to me, told him that I knew him personally to be an American, and was much acquainted with his family, which is highly respectable. He said that the discharge should be granted without the least difficulty, that it would be given with much pleasure as a compliance with the request of the minister from a friend and ally of France, and if I would send the person to him in the morning with a line mentioning his name, and that he is the person concerning whom I had now spoken, he would immediately give the order necessary for his discharge.

"15. Amory called here again early this morning; I gave him the letter for the Representative Richard, and about an hour afterwards he returned, with an order from him for the discharge with permission to return to America. I then observed to Amory, that it was I supposed meant simply as authorizing him to go home, and it was perhaps expected that he should not go to England. He said he certainly should not, and his only wish was to return to his own country."

Shakespeare and Shenstone are perhaps too frequent; and he introduced them in a company where no person, except Lanman and myself, appeared to have any taste for this kind of literature. His own knowledge of the belles lettres does not appear to extend beyond the English language.

12th. We are still detained by a contrary wind, in a state of expectation and suspense. I went again to Mr. Ellery's, but was again unfortunate, as neither his son nor daughter was at home. I pass'd the afternoon and part of the evening with Lanman, at Mr. Marchant's. A little circumstance took place which gave great offense to Lanman. He was indeed in a greater passion than I should have thought necessary.

13th. The winds are still unfavourable; and I have passed another dull, tedious day here. In the hopes that by some alteration in the course of the day we should be enabled to sail, I did not attend public worship, but remained at my lodgings, and having found a volume of Shakespeare I amused myself as well as I could with it. I took tea at Mr. Goldthwait's, where I again found Mr. Meyer. I went with him to hear a number of young ladies sing. We there saw Miss Ellery, much celebrated for beauty; but I have seen much handsomer women. Landman went this morning from hence to Norwich on horseback.

14th. After a detention of four days the winds at length have become favourable; and at about seven o'clock this morning we sailed from the wharf. The city of Newport appears to advantage from this river; but in itself it exhibits a melancholy picture of declining commerce and population. Previous to the late war it contained about 10,000 inhabitants; they are now reduced to 7,000. Its former prosperity was chiefly owing to its extensive employment in the African slave trade, of which some remnants still continue to support it. The town is large, but many of the houses, and the most elegant of them, are altogether out of repair, and for want of painting make a dismal appearance; the streets are dull, and the wharves appear more frequented by idlers than by men of business. We had fine weather, but little wind; and it was one o'clock afternoon before we reached Point Judith, distant about thirty miles from Newport. The wind freshened, however, in the afternoon, and at midnight, when I retired to bed, we had proceeded more than half the way on our passage. My fellow passengers are Mrs. Wilkins and Miss Winslow, two daughters of Parson Winslow,¹ who formerly lived at Braintree. Doctor *Olipphant*, an old

¹ Rev. Edward Winslow (H. C. 1741), rector of Christ Church in Braintree 1764-1777; compelled to leave the town because he continued to pray for the king according to the promise in his ordination oath; died in New York in 1780, and is buried beneath the altar in St. George's Chapel. C. F. Adams, *Three Episodes of Massachusetts History*, pp. 631-633, 852-854.

gentleman who lives at Newport. He has been married, and had two children since he was seventy years old. Mr. Flagg, a gentleman of fortune from South Carolina; he has with him the most elegant phaeton I ever saw. Mr. Wright, with whom I came from Boston to Newport, and whom I have already mentioned. Mr. Stewart, originally from Maryland, but now an attorney at Halifax. Captain Dunbar, an half-pay British officer, also an American by birth, now residing at Quebec. Mr. Curré,¹ from Pennsylvania, but a British officer during the war, and now an attorney in the province of New Brunswick. Mr. Crook, a young gentleman who practices law at Newport, and Doctor Berry (I believe it is) a German, who is now settled at New York. Our packet seems to have two commanders, Captain Peterson and Captain Shaw, they alternately take the lead, and in concert direct the vessel.

15th. Our wind forsook us at about one o'clock this morning, and this day has been extremely tedious. There was so little wind all day that we scarcely got forward thirty miles from the time we lost our wind till six this evening, when it again breez'd up; and before ten o'clock it blew so violently, and we were in a spot where the sound was so narrow, that we were obliged to come to anchor in the first harbour we could reach. It was very dark; the clouds looked black and squally. We had just done supper, when the German Doctor came down into the cabin very much terrified, and, without any discretion, talk'd in such a manner as was most likely to alarm the ladies. Curré immediately called for more brandy, and concluded that the best way to show his own courage was to be extremely profane. He rallied the poor Doctor unmercifully, and mixed with his sarcasms a shocking degree of impiety, which he hinted to us was to give courage to the ladies; at the same time he continued adding to the stock of his artificial bravery until he could no longer maintain the balance of his feet, nor the free use of his tongue. After exhausting all his sacrilegious wit, merely out of tenderness for the ladies, he finally staggered off to bed.

16th. The wind was high all night, but at dawn of day we got again under way. As the morning advanced the wind abated, and we moderately sailed on till we pass'd the rocks at Hell-Gate, just at nine o'clock. The tide had just turned in our favour, so that we lost nothing by anchoring last night, for no vessel pretends to pass this dangerous place against the tide nor in the night. As we came through just at high tide we saw nothing peculiar, except an irregularity in the running of the water; but at low tide, we were informed there are

¹ Ross Curry, a lieutenant in the Pennsylvania Loyalists, and adjutant of the corps; received half-pay after the war, and lived and died in New Brunswick. Sabine, *American Loyalists*, vol. i. p. 353.

several eddies and whirlpools which have a formidable appearance. There have been many instances of vessels overset at this place, and others of their being whirl'd round by the violence of the eddy. The name itself of the place is sufficiently indicative of the dangers which sailors have apprehended from it. From this place to the city of New York, the distance is about eight miles; on one side of the river there are a number of islands pleasantly situated, and on the other a number of beautiful country seats, which have a charming prospect upon the river, and afford one no less agreeable to the traveller upon it. I landed at about ten o'clock, and immediately walked out to my father's house;¹ with some difficulty I found it, and feeling very much fatigued, having slept but very little since I left Newport, I went to bed. I could not however get any sleep. The President and his family dined here; but I felt quite unfit for company, and therefore dined alone. Col^l Smith and my brother went to the play; I retired very early to bed.

17th. A Captain McPherson, of Philadelphia, breakfasted here this morning. A man of good natural parts; but at present a little disordered in the intellect. He is now employed in publishing his life and works, and the first volume is soon to appear; he had with him this morning one of the first proof sheets, which he shew us. He there professes to be an unlettered philosopher and acknowledges that al-

¹ The house in question was on Richmond Hill, so called, lying between Greenwich Village and the city, being about a mile and a half from Trinity Church and the government buildings on Wall Street. The Houston Street station of the Ninth Avenue Elevated Railway now stands within four blocks of its site. It was built about 1770 by Abraham Mortier, paymaster-general of the royal army, and later was occupied by Aaron Burr at the time of his duel with Hamilton. Letters of Mrs. Abigail Adams, (1848) pp. 343, 344; Memorial History of New York, vol. ii. p. 464, vol. iii. p. 58; T. E. V. Smith, New York City in 1789.

Mrs. John Adams gives the following description of Richmond Hill in a letter to her sister, Mrs. Shaw, dated September 27, 1789:—

"The house in which we reside is situated upon a hill, the avenue to which is interspersed with forest trees, under which a shrubbery rather too luxuriant and wild has taken shelter, owing to its having been deprived by death, some years since, of its original proprietor who kept it in perfect order. In front of the house, the noble Hudson rolls his majestic waves, bearing upon his bosom innumerable small vessels, which are constantly forwarding the rich products of the neighbouring soil to the busy hand of a more extensive commerce. Beyond the Hudson rises to our view the fertile country of the Jerseys, covered with a golden harvest, and pouring forth plenty like the cornucopiæ of Ceres. On the right hand, an extensive plain presents us with a view of fields covered with verdure and pastures full of cattle. On the left, the city opens upon us, intercepted only by clumps of trees and some rising ground, which serves to heighten the beauty of the scene by appearing to conceal a part. In the back ground, is a large flower-garden, enclosed with a hedge and some very handsome trees. On one side of it, a grove of pines and oaks fit for contemplation."

though he has written upon every science excepting *Law*, yet he was never regularly taught any one. He seems indeed to be ignorant of all the rules which have been form'd for the improvement of the sciences; among his productions are four plays, which he highly values. One of them, entitled *The artful mother ganders, or the real humours of a rookery*, he describes as the deepest tragedy that ever was written. He is indeed in his own opinion an universal genius, and has made many improvements and discoveries in diverse arts and sciences. I attended this morning in the gallery of the House of Representatives, to hear the debates. They were upon the judiciary bill. Mr. Gerry, Mr. Jackson, Mr. Burke, Mr. Stone, Mr. Lee, Mr. Maddison and Mr. Benson all took a part in this debate. But I confess I did not perceive any extraordinary powers of oratory displayed by any of these gentlemen. The subject had been already so much discussed that little could be said of further importance. The eloquence had all been exhausted, but the spirit of contention still remained.

18th. I attended again this day in the galleries of the House. The principal debate was upon the salaries of the Judges. The subject was not very interesting; but, like almost every other subject, exhibited the difficulty of adjusting the opposing sentiments which direct the conduct of men living in different climates and used to very different modes of living. Mr. *Dobbyn*, an Irish gentleman who arrived in the last English packet, dined with us this day. In consequence of unmerited misfortunes he was obliged to sell a patrimonial estate which had been six hundred years in the family; and he determined to bring the remainder, amounting to about £6000 sterling, and settle in some part of America. Mr. T. Morris, a son of the Senator from Pennsylvania,¹ likewise dined with us; he is studying law in this city.

Mr. Adams remained in New York throughout the month of September, attending the sessions of Congress and the receptions of the President and going to the theatre. On the 5th of October he started for Boston, leaving New York for Newport at 5 P. M. He reached Newport the next day, the 6th, at three o'clock in the afternoon. It took him the whole of the next day to go from there to Providence. Thence he took the stage to Boston, arriving at dusk on the evening of the 8th. He then returned to Newburyport. The following letter to his mother was written two months later; it appears

¹ The celebrated Robert Morris, known as "the Financier of the Revolution." His son Thomas, here mentioned, was subsequently a member of the New York bar, and at one time United States Marshal for the southern district of the State of New York.

to have been the first communication from him after he left New York : —

NEWBURY-PORT, December 5th, 1789.

. . . Two and twenty hours after I left you at Richmond-Hill, I landed at Newport, and the Thursday following arrived in Boston. I pass'd two or three days at Braintree; quite sick of what I then thought only a severe cold. I have since been induced to suppose it was the influenza. This disorder has since then been almost universal in this State; and I have been upbraided for singularity in enjoying good health while all the world were more or less diseased. It has not however been fatal in any instance that has come to my knowledge in this neighbourhood. When I say I have enjoyed good health, it must be understood, as they say, with a grain of salt. The ancient quarrel between the powers of drowsiness and me has threatened to break out again; and a few nervous twitches have hinted to me the propriety of suffering no intermission in the article of exercise. I have scarcely been out of Newbury-Port since my return from New-York; but I intend next week to spend a day or two at Haverhill.

I was not one of the choir who welcomed the President to New England's shore, upon his arrival here by land. I was, however, in the procession, which was formed here to receive him, in humble imitation of the capital. And, when he left us, I was one of the respectable citizens (as our newspapers term them) who escorted him on horseback to the lines of New-Hampshire.

You, my dear madam, have abundant reason to know that your eldest son is not by any means destitute of that bubbling passion called Vanity; and therefore you will excuse him, and allow a little parental indulgence, when he informs you of the petty honours which accrued to him in consequence of this same visit of the President; and you will make all the necessary allowances if he states facts, which are really true, in such a manner as shall exhibit him in the most advantageous light — and thus I begin.

I had the honour of paying my respects to the President upon his arrival in this town, and he did me the honour to recollect that he had seen me a short time before at New York. I had the honour of spending part of the evening in his presence at Mr. Jackson's. I had the honour of breakfasting in the same room with him the next morning at Mr. Dalton's. I had the honour of writing the billet which the major general of the county sent him to inform him of the military arrangements he had made for his reception. And I had the honour of draughting an address which, with many alterations and additions (commonly called amendments), was presented to him by the town of Newbury-Port. So you see

“ I bear my blushing honours thick upon me.”

But as half the truth is oftentimes a great falsehood I am constrained to account for these distinctions in a manner which I must honestly confess defalcates considerably from the quantum of my importance. To the peculiar civility of Mr. Jackson and Mr. Dalton, I am indebted for having been thus admitted into the company of the President. One of the major general's aid de camps is my fellow student; he was then much hurried with other business relating to the same occasion, and, at his request, I wrote the billet. Mr. Parsons was chosen by the town to draught the address; and his indolence was accomodated in shifting a part of the burthen upon his clerk, so that all my dignities have not been sufficient to elevate me above the insignificant station of a school-boy; in which character I still remain, your dutiful son.¹ But to turn from trifling to a subject to me very serious, I must observe that my own reflections upon the subject of the place of my future residence are daily becoming more and more perplexing. You well know the objections which I have against Braintree, and I may safely appeal to your judgment for their validity. My father's determined predilection is the only circumstance that could give that place any claim to fixing me, under the present relative situation of my cousin Cranch and me. Boston is strongly recommended to me by several of my friends, whose opinions in favour of the capital are much more favourable than my own. Greater necessary expence, more necessary dissipation, and a more numerous competition for the favours of employment, are not circumstances calculated to decide my preference. This town, while inhabited by the two most eminent barristers in the county and an attorney, who though young is much respected, does not offer me a prospect in any manner alluring; though I sh[ould] here enjoy the advantage of being more extensively known than in any [other town] of the Commonwealth. However, I will postpone the full discussion of [this subject] till the appointment of our two Judges shall take place; after which I shall state my case fully to my father, and found my determination upon his final opinion. . . .

Your affectionate Son,

J. Q. ADAMS.

Hon. T. JEFFERSON COOLIDGE, in answer to a request from the President, read some personal recollections of life in Boston about the middle of the last century, and of his later experiences in Europe, as follows:—

¹ It is worthy of note that the part of Theophilus Parsons in the preparation and presentation of this address has been, in the course of time, entirely lost sight of, and the histories of Newburyport attribute it without reservation to J. Q. Adams. See Currier, "Ould Newbury," p. 556; E. V. Smith, *Hist. of Newburyport*, pp. 133, 324, 325; Joshua Coffin, *Hist. of Newbury*, p. 264.

Some Extracts from an Autobiography.

In 1857, owing to Mr. Bartlett, I was chosen a member of the Friday Club. This club lasted many years after the war. They dined at one another's houses every fortnight in winter. The members were perhaps the most distinguished body of men it has been my good fortune to meet through a long life: Judge B. R. Curtis, well known on the Supreme Bench for having opposed the cause of slavery in the celebrated Dred Scott Case, and later for having saved by a most masterly argument the indicted President Johnson from condemnation by the Senate, a man of rare learning, charming conversation, and strong religious belief; James Russell Lowell, poet, man of letters, minister to Spain and England; Cornelius Felton, Greek professor and president of Harvard; George Ticknor, whose universal knowledge was equalled only by his memory; Charles Francis Adams, who returned to us after eight years at the Court of St. James during the most difficult of times; Agassiz, Hillard, William Amory, William Gray, Chief Justice Bigelow, and others. Dr. Holmes should have belonged, as he was a most charming conversationalist; but he never would allow others to say a word, and I am afraid this kept him out of the club, where, however, he was often invited. He was an agnostic, and many a struggle on the Christian religion do I recollect between him and Judge Curtis, when I have seen the tears glisten in Curtis's eyes.

The Friday Club was meeting regularly, and we had Mr. C. F. Adams with us after his return from England. He said that he was much more worried in England by the Americans than the English. Cassius M. Clay and Sanford interfered, and the Government asked Mr. R. C. Winthrop, Mr. Lothrop Motley, Mr. Everett, Bishop McIlvaine, Archbishop Hughes, and Thurlow Weed at different times to go to England and endeavor to influence public opinion there. The first three gentlemen wrote to him and did not come; the two clergymen failed entirely; but Weed took a little with the English press. When the news came of Wilkes having taken the Southern commissioners out of the "Trent," he (Mr. Adams) wrote to our Government that we undoubtedly had the right to do so by the English construction of international law, but not by all the principles we had upheld. Leaving out the question

of law, he considered it most unfortunate and ill-advised. As soon as Seward heard of it, he wrote to Mr. Adams to call on Lord Palmerston and tell him that the American Government was prepared to leave the matter to arbitration, and in short to soften matters as much as possible. Palmerston had been getting up a strong war fever all over England: consols had fallen ten to fifteen per cent. Mr. Adams, without showing the despatch to a soul, went to Lord Palmerston and read it to him. He received it politely, but carefully. The next day consols were up one or two per cent. But Palmerston did not wish the war feeling to flag, so there appeared in his paper, "The Post," a statement that the American Minister had not read a letter from Mr. Seward to Lord Palmerston, although such a rumor had existed. This statement was contradicted by "The Daily News"; whereupon "The Post" again stated that although Mr. Adams might have read a despatch to Lord Palmerston, "The Post" had full authority to say that it did not relate to the "Trent" affair. Mr. Adams called Lord Palmerston "snaky." He said that the knowledge of the existence of the despatch undoubtedly got out through the Foreign Office, where he thinks the clerks speculated in the public funds. A short time after the English Government received information from Canada that they could not possibly defend their provinces in case of war with us, and also that insurrection in Ireland would occur if war was declared with the United States. This made them more moderate. Seward, on the other side, had called on the various naval and military officers to find out what resources we had in case of war with England, and had also put the question whether, if the English merely sent men-of-war in a threatening attitude to this country, it would not break up the blockade. He was informed that we should have no troops to fight at the South and no vessels to keep up the blockade, which, if once broken, could probably never be begun again. (These facts he told R. H. Dana.) On hearing this he asked Lord Lyons to give him all the time he could to prepare an answer, and when the time came put his despatch in Lord Lyons' hands. Seward says that the hours while Lord Lyons kept the answer were the most anxious he (Seward) had ever known; for he had gone as far as the American people would allow him to go. He knew he could go no further, and if Lord

Lyons insisted on more, they would have war. After some hours Lord Lyons returned the paper as entirely satisfactory.

George T. Davis: There is no historical fact to justify Browning's beautiful ballad, "How they brought the Good News from Ghent to Aix."

G. V. Fox, Assistant Secretary of the Navy: Fearing war with England, the United States Government decided to attack her commerce in the most vulnerable part, — the English Channel. They therefore built a few modern vessels capable of going seventeen knots an hour, there not being a vessel in the English war navy that could then steam over thirteen. These vessels could carry coal for a long time going seven knots, but only for a few days at full speed. They were to proceed to England by sail, once in the Channel cripple all the merchant vessels of England, avoiding destruction by running away. When coal got short, they were to return to the United States, as we had no coaling stations. It was calculated that we could keep three going all the time. He gave us the name of one that was built and proved all he could desire, but fortunately no war broke out. He said that Craven, when he failed to attack the iron-clad "Sumter," was guilty of an offence punishable by death according to the regulations of the navy, which are "that any officer who shall fail to do his utmost to destroy an enemy's vessel in time of war shall suffer death." Craven should have been hanged, but the very severity of the punishment saved him. The court-martial found him guilty on a side issue, and the Secretary of the Navy cancelled the whole proceedings. Senator Hale, now Minister to Spain, was a perfect nuisance on the Naval Committee. Instead of helping the Government he was all the time tormenting and attacking them and never carrying out the measures that were requisite in Congress. Alexander H. Rice, on the contrary, was very patriotic, practical, and useful.

At another dinner we had Major Anderson, who was on Foster's staff. He was sent by his chief to give Sherman any information he might want about roads and rivers in North Carolina. He found, however, that the General knew more than he did. The Western army was full of spirits and had some contempt for the Army of the Potomac, which had always been beaten, while they had universally succeeded. The discipline was lax, the officers being on familiar terms with

their men. At a review the privates would cry out to Sherman, "Uncle Billy, ain't you going to give us a change of base?" Sherman was an immense talker and easily influenced by women. When in Savannah the clergymen asked him if they should preach on Sunday. "Yes," said he, "I want all the churches run to-morrow, and I will assure you an attentive audience." "But," said one of them, "we have instructions from the Bishop to pray for Jefferson Davis." "I should advise you," answered the General, "not to do so in public, as my troops might take offence; but when you get home, pray for him with all your heart and for the devil too. They need prayers more than any persons I know." As Foster was making his way up the Ogeechee, he met three or four dug-outs filled with Northern troops. The Major stepped on deck and hailed them. "Who are you?" "Sherman's foragers. Who are you?" "This is Major-General Foster's staff boat." "Damn Major-General Foster and his boat. We have a hundred major-generals in the army and no hardtack." The foragers of Sherman's army in his great campaign from Atlanta consisted of picked men from each regiment. They were ordered to go ten and twenty miles on each side, never to give way but to fight any militia they met. Ten were always to go together; whenever they heard shots they were to rally to the sound. This was done so well that General Howard, wishing to get some pigs that were too wild to be caught, had them shot, and within half an hour the few guns that were fired brought three to four hundred foragers around the farmyard. Sherman relied much on General Jeff. C. Davis and Logan. He told many stories of them. At councils of war they were always opposing what he suggested, but when it came to fighting he found they did it all. They were both pro-slavery Democrats. Logan stumped Illinois for Lincoln at the last election. His principal argument was, "Come in, fill up the armies, and you can have all the lands." His disgust was great when the Sea Islands were given to the negroes. He considered the finest lands in the country as justly belonging to his white men. Sherman said he had no black Republicans in his army, meaning negroes.

When in Paris, in 1865, I recollect a dinner with my father and mother, Bossange the bookseller, and Count de Circourt,

who was most brilliant. Speaking of my friend Mrs. Childe, he said she was a woman of no talent, but of great will and perseverance. She attached Tocqueville to her so that it amounted almost to a *grande passion*, and he brought around her all the talent and wit of Paris. Her salon was unquestionably one of the best in the city. Tocqueville died at fifty-one. His letters when published had to be garbled, he was so opposed to the Government. His last volume, the eighth of his complete works, appeared after his death. There were in it glimpses of hell. The present administration so-so. Lavalette poor, Drouyn de Lhuys fair, but Rouher very strong, and he should say Fould. When Louis Philippe was driven out, all the able men in France — Guizot, Thiers, etc. — were lost with him. France was *décapitée*, but a new head had grown on its shoulders. Napoleon III. a great man; his monument for posterity was the kingdom of Italy. His greatest actions were making peace at Villafranca with Austria, and afterwards with the Russians, thus depriving England of all credit. Paris itself was his monument. Bossange said that his brother once called on him when he was in prison at Havre. Ten years later Napoleon was going to Strasburg surrounded by Rothschild and his ministers. At the railway station he recognized Bossange, who was secretary-general of the railway, and was standing modestly apart. "Why, M. Bossange, are you not going to shake hands with me?" said the Emperor. He invited him to Strasburg, where he remained his guest three days. Napoleon had not seen him for ten years.

Circourt: After the battle of Magenta, Cavour's physician found Cavour in a great state of excitement. "Why," said he, "you ought to rejoice; this is just what you wanted." "No," said Cavour. "I have seen the Emperor; he has not nerve enough to stand this havoc of men. Another such victory and he abandons our cause." This turned out as Cavour predicted. After the peace Cavour was out of office, and he came to Paris, and remained very quiet. The last time Circourt saw him was in this very Hôtel de Londres in the *entresol à droite*. One night he came to Madame de Circourt's, had her lock her doors and give him something to eat. He said his course was decided. The Emperor would do nothing for him, but would not oppose him. He was

therefore going to throw himself into the hands of the Liberals. He returned to Italy, and soon regained power. Then came the annexation of Modena, Parma, Tuscany, and finally Naples. Napoleon was afraid of Cavour; both were equally able, but the last disinterested.

The Count had just been in England, and was struck by the conservatism of everything. He knew Carlyle, who was overbearing. Macaulay was very much so in India, but not in England. Lord B. had looked at the dead body of Byron, and found only one leg deformed, notwithstanding the positive assertion of Trelawny to the contrary. Trelawny was now dead, but his son was married to Louis Napoleon's old mistress, Mrs. Howard, to whom the Emperor gave a beautiful place near Versailles, which cost three million francs. When Fould objected to the bills, Napoleon is said to have exclaimed, "Why, Mrs. Howard is not a woman, she is an institution." This was true. She sold and pawned her trinkets and watch to help Louis Napoleon's expedition to France. Pool, the tailor, is said to have lent him money also. Circourt offered to take us to the château of the Duc de Luynes, by far the best in France. In it is a statue made after the description of the famous statue of Athena by Pheidias. The original was about thirty-seven feet; this is but eight. It is made of ivory and silver gilt, part of the helmet and the shield of brass,—an exact copy except the helmet, where the reading is doubtful. The helmet has in front eight horses abreast, and (according to the Count) this injures the beautiful head under it.

All ports of ancient date were situated on rivers as high as the tide goes: London, Rouen, Bordeaux, etc. This was to escape piracy and yet have the benefit of the tide. London means "the place of ships."

America not much known in France; Washington, Jefferson, Monroe (the latter on account of the Monroe Doctrine), are known by name, but only the learned few have heard of Madison or Hamilton. Talleyrand said the three men who had struck him most were Napoleon, Charles Fox, and Hamilton. He is said to have written to Burr, when Burr called upon him (when in Europe as minister to Austria) and desired to see him: "Le Ministre des affaires étrangères présente ses compliments au Ministre des États-Unis à la

cour de Vienne, mais M. Talleyrand doit à Mr. Burr de le notifier, qu'il trouvera le portrait de Mr. Hamilton sur sa cheminée." This story cannot be true, because Burr was never minister to Austria. But Talleyrand had a picture of Hamilton which he had taken from the family in America without leave. It was afterwards returned.

February 26, 1868, I left for Spain. I slept at Bayonne, and reached Burgos by night. The weather had become intensely cold. The dining-room of the hotel (an old convent) was an immense stone room at the end of which burned a most diminutive fire. I went to bed with my clothes on to keep warm, but was obliged to get up and put on my great-coat. The next night I took the train in preference to remaining at the hotel and went to Madrid. There I found our minister, Mr. Hale, delighted to see an American. He complained bitterly of the loneliness and dulness of Spain; but as he could speak neither Spanish nor French, he was cut off from all society. My countrymen had not yet discovered the country, although the gallery with its Murillos and Velasquez is, I think, unequalled in the world. On Sunday they had a magnificent bull-fight. The day was superb, the amphitheatre entirely full of Spaniards from the lowest to the highest tier, all of them in a state of the greatest excitement. The best seats are in the shade, the crowd being in the sun. The more cruel, the more brutal the performance, the more they enjoyed it. I could almost fancy myself looking at a combat of gladiators in the time of Augustus. The Roman mob was as civilized as the Spanish. Indeed, the more I penetrated into Spain, the more backward was everything. Beggars accompanied you everywhere; gypsies danced for a few silver pieces. But to come back to my trip. I passed through Toledo to Seville, a most lovely town with a cathedral, and the Giralda next to it, which remains in your mind as the most perfect picture of architecture until I suppose you see the Taj Mahal. I felt in Spain when I reached Tarifa. The women still wore the mantilla with only one eye uncovered, and you began to recollect the beauties of "Gil Blas." After a hasty view of Gibraltar I started with a guide to ride through Andalusia. We rode stallions, and had a muleteer with our luggage and food to

follow us. I met them at San Roque, a little tavern just in the neutral ground around Gibraltar. I had come armed with two revolvers, knowing that brigandage was universal; but my guide made me give them up. He said that he had been a guide twenty years, and had never met with a worse accident than being stripped and tied to a tree. But if the gentlemen had had arms they would have used them, and in the *mêlée* he might have been killed. He tied to my saddle a bagful of the smallest copper coins of the realm, and I was instructed to give one to every beggar. I also learned two sentences in Spanish which appear as potent as the famous "God damn" of Sganarelle. One was "May the Holy Virgin bless you," and the other "Go with God." Then we started through the famous cork forest where many robberies are committed. My guide told me that he met the robbers often in Gibraltar, but was always polite to them, as, if they were arrested, the next English officer travelling might suffer. The weather was hot but superb, and no inhabitants were met. The villages, few and far between, were built during the Middle Ages on steep hills for defence. Around the houses stood the Spaniards, all in long brown cloaks, smoking cigarettes in the sun to console themselves for the want of food. Nobody did any work; indeed the wages were so small that they would not support life. The *posadas* were usually one long room partly paved. You rode in, tied your horse to the wall, and made your way to the fireplace at the end. Food there generally was none, and at night you lay down in your clothes with your feet to the fire, the first right-hand place being the one of honor. You brought your own food with you. In one *posada* I found the children of the hostess, about twelve years old, stark naked. I looked at their arms and could see no signs of vaccination. Now, smallpox was raging, and the government had ordered free vaccination. I thereupon, through the interpreter, asked her why she did not send her children to the nearest town, less than ten miles off, to have it done. She said she was ashamed to send them, as they had no clothes. There were no roads, only narrow bridle-paths. The mountains were bare, but the valleys rich and green; goldfinches flew down at our feet, flowers sprang up all around us, and we were becoming sentimental when we saw

ahead of us in the path a long pipe. This was the barrel of a gun ; for everybody carried a gun, and every gun had a six-foot barrel. The bearer, being a Spaniard, was seated in the path in his brown coat. As I approached I asked the Virgin to bless him, and he told me to go with God, whereupon I gave him one piece of copper ; and thus we wandered on as Gil Blas had done before. The town of Ronda, where I slept one night, was said to have thirty thousand people ; but it had then no railroad or stage-coach, and no road leading to it where a vehicle could be driven. Horseback was then, in 1868, the only way of getting there or back. The inhabitants were bull-fighters and *contrabandistas*, as Gibraltar afforded quite a lucrative business in the way of contraband goods. One evening I arrived at a large village and put up at a regular inn ; but on consulting my map I came to the conclusion that I should gain a day in Granada if I went on three hours further. I called up the guide, who said he would take me ; but the host warned me that if I went out after dark I should certainly be robbed. The guide said that was only because he wanted to make me eat and sleep at his house, so I ordered the muleteer to load his mule. This the man refused to do because he was afraid of riding by night, so I had to bribe him, and we started off. The night was very dark, and there were no roads, and after riding about an hour the guide told me he did not know where he was. We still pushed on, but I scanned every bush, expecting to see an old gun pointing at me ; suddenly right by my side, brushing my horse, was a man on horseback. I knew my time had come, but I must not appear uneasy, so I said in a quiet voice that I hoped the Virgin would confer blessings upon him. What was my joy to hear him say "Go with God"! So we stopped him at once to ask our way, and found he was a priest who had ridden to give the Host to a dying man many miles off and was returning to his home.

I must not forget the dogs. They were very numerous in all the villages, and very fierce. They were mongrels of every variety, and the only scavengers ; but as the Spaniards did not have enough to eat, the dogs fared worse. Their bones protruded through the skin, and they were covered with mange, and were like a pack of famished

wolves, snarling and biting over any old bone they could find.

As I approached Granada I dismissed my horses and rode in on top of a rickety diligence. Here I found myself short of money, but I had a credit from the Barings, and as the Barings were, next to the Rothschilds, the best-known bankers in Europe, I went to a resident banker to sell a draft. I was followed by beggars, and the number increased so that I had a company of twenty or thirty when I reached the bank. Here I showed my credit and asked for money; but the Spaniard replied that he had never heard of a house called Baring, and refused to furnish a cent. Fortunately, I recollected that we had a consul named Edward Loring at Malaga, and that his family came from Massachusetts; so I wrote him the state of the case and received a remittance by return post. I made my way back to Pau through Malaga, where I found the vega flowing with oranges, lemons, and olives, and even date palms. The Lorings lived in a beautiful place, and had been so successful and important that the title of Grand d'Espagne had been conferred on the head of the house. I reached home on the 2d of April. (My account of the condition of Spain thirty years ago may seem exaggerated, but it is not in the least degree, and it will easily account for the poverty and weakness we found when war broke out between the United States and the Spanish monarchy.)

Dr. SAMUEL A. GREEN spoke as follows:—

At the November meeting of this Society, thirty-three years ago, the subject of the Cardiff Giant, afterward on exhibition in this city, was brought to the attention of the members, and at more than one subsequent meeting it furnished a topic for remarks. I am led to mention the circumstance at this time by the fact that a most thorough exposure of this arrant swindle is given in "The Century" magazine for last month. It was written by one of our distinguished Corresponding Members, and it appears under the title of "The Cardiff Giant. The True Story of a Remarkable Deception. By the Hon. Andrew D. White." The article goes into details, and gives a minute description of the attempt to cheat the public,

even naming some of the persons who took an active part in the hoax.

By a coincidence the man who devised this remarkable deception died at his home, near Binghampton, New York, only three weeks ago ; and another man, a marble-cutter, who had much to do with the making of the figure, died in Chicago only six days ago.

Mr. WILLIAM P. UPHAM communicated the following paper : —

Mr. Charles Currier Beale, Official Shorthand Reporter of the Superior Court for the County of Suffolk and a recognized authority in shorthand bibliography, has accompanied a donation to the Society of a considerable number of shorthand books with a detailed account of the works relating to that art already in the Library. He finds among them a few very rare specimens, and I select from his list the following items as of general interest : —

“The Psalms in Shorthand and the New Testament in Shorthand,” by Jeremiah Rich, issued about 1660. The portrait and titlepage are missing, but have been supplied in facsimile by Mr. Beale. These tiny volumes, which were presented to the Society by the Rev. Isaac Story, of Marblehead in 1794, are, according to Mr. Beale, the earliest known shorthand editions of any considerable part of the Scriptures ; and these with a similar edition of the Psalms in the system of Thomas Shelton (a system used by Pepys in his Diary) are the smallest stenographic works known. No other copies of these particular editions are known to exist anywhere except in the British Museum, in the Manchester, England, Free Reference Library, and in the private collections of Mr. J. E. Rockwell of Washington, District of Columbia, Mr. John O'Donnell of Manchester, England, and in the very large collection owned by Mr. Beale.

“A new art of short and swift writing without characters” by “Mr. Ratcliffe,” second edition, about 1690, is very rare.

“La Plume Volante” by William Mason, 5th edition, about 1720, is especially valuable as being the foundation of the system used by Thomas Gurney and his descendants, official

stenographers of the British Parliament from 1750 to the present time.

The "Self-Taught Stenographer or Stenographic Chart" by Erastus Brigham Bigelow, West Boylston, December 16, 1831, is believed to be a unique copy. The author, then a youth of eighteen, became afterwards distinguished particularly for his useful inventions connected with the art of weaving. He was chosen a member of this Society in 1864.

There are in the Library a considerable number of specimens of shorthand manuscript among which may be mentioned a diary by Benjamin Wadsworth and a sermon by Dr. Langdon, both Presidents of Harvard College. In each of these will be found a key to the alphabet used and a partial translation of the shorthand entries.

Remarks were also made during the meeting by the PRESIDENT, Mr. CHARLES P. BOWDITCH, and other gentlemen.

DECEMBER MEETING, 1902.

THE stated meeting was held on Thursday, the 11th instant, at three o'clock, P. M.; the President in the chair.

The record of the November meeting was read and approved. The Corresponding Secretary read a letter from Mr. Arthur B. Ellis, announcing his removal from the State. The Librarian and the Cabinet-Keeper made their reports. Among the gifts to the Society during the last month were a framed testimonial to Charles Sumner, after the delivery of his speech on "Free Kansas," bearing the autograph signatures of twenty eminent citizens of Massachusetts, given by the Museum of Fine Arts; a large collection of books and manuscripts which belonged to the late Thomas C. Amory, a Resident Member; six bound volumes of the "New York Tribune," from March, 1850, to December, 1855, from Mrs. James T. Fisher; and a marble bust of Edward Everett, by Thomas Ball, bequeathed by the late George W. Wales.

The Treasurer made a brief statement with regard to the income of the Massachusetts Historical Trust Fund, and on his motion it was

Voted, That the income of the Massachusetts Historical Trust Fund for the current year be appropriated in such manner as the Council may from time to time authorize.

The death of Mr. Joseph Williamson, of Belfast, Maine, a Corresponding Member, was announced.

Mr. John Carver Palfrey, of Belmont, was elected a Resident Member; and Mr. Worthington Chauncey Ford, of Washington, D. C., who had ceased to be a citizen and a resident of Massachusetts, was elected a Corresponding Member.

The President announced the gift to the Society by Mr. James Schouler, with the consent of the other heirs, of a large and important collection of letters and papers of his father, the late Hon. William Schouler, Adjutant-General of Massachusetts during the Civil War. They comprise, among other

materials of history, letters, chiefly political, from men eminent in the State and national service, with General Schouler's comments on them.

HON. SIMEON E. BALDWIN, of New Haven, Connecticut, a Corresponding Member, read a very interesting abstract of the paper which here follows:—

Rev. John Higginson, of Salem.

Two hundred years ago the first edition was published of Cotton Mather's "*Magnalia Christi Americana*." It told the story of seventy-eight years of the ecclesiastical history of New England, and he was fortunate in being able to secure a general attestation of its truth in a preface written for it by one who had lived here during all but the first ten years of that period, and who for sixty years had been a New England minister. This was the Rev. John Higginson, of Salem, the son and successor in the pulpit of the Rev. Francis Higginson.

A brief sketch of his life is contained in Sprague's "*Annals of the American Pulpit*" (i. 91), and he is noticed not only in the American biographical dictionaries, but as an Englishman in Sir Leslie Stephen's "*Dictionary of National Biography*." His services, however, to early Connecticut and Massachusetts seem to justify a fuller memorial, and there are ample though widely scattered materials for it.

He was born on August 6, 1616, in Claybrooke, a country parish in the county of Leicester, in England, of which his grandfather, Rev. John Higginson, after whom he was named, had been the vicar since 1572. His father, Rev. Francis Higginson, a graduate of Cambridge University, where he had been of Jesus College,¹ was then a man of thirty.² He had been instituted Rector of Barton-in-Fabis, in Nottinghamshire, the year previous, though never inducted into that benefice.³ There was a tradition, supported by some circumstantial evidence, that the maiden name of his wife, Mrs. Ann Higginson, was Eaton, and that she was a sister of Governor Theophilus Eaton of the Colony of New Haven.⁴ It is prob-

¹ T. W. Higginson, *Life of Francis Higginson*, 6.

² He was baptized August 6, 1586. N. E. Hist. and Gen. Reg., xlv. 118.

³ N. E. Hist. and Gen. Reg., li. 348.

⁴ Bacon, *Genesis of the New England Churches*, 459.

able that they were cousins. Governor Eaton had a sister Hannah, or, as that name was sometimes written, Ann, but in the will of his father, Rev. Richard Eaton, dated in July, 1616 (which was the month before John Higginson's birth), she is described as unmarried. Dr. Franklin Bowditch Dexter has traced her later history through the parish records of London, and shown that she did not marry until 1622, when she became the wife of Joseph Denman.¹

A few months after John Higginson's birth his father was put in charge of a small parish in the borough of Leicester, that of St. Nicholas,² and that place remained his residence until his emigration to New England in 1629. The church of St. Nicholas is the oldest in the city, and was then larger than at present. It is of Norman architecture, with a square tower between the nave and the chancel, and was originally built with three aisles. One of them became ruinous and was taken down in 1697.³

Leicester possessed a grammar school founded by Queen Elizabeth, and here John Higginson received the beginnings of a sound classical education. When thirteen, an age at which a bright boy was then sometimes admitted to the English universities, he was taken by his father, with the rest of the family, to New England, where they were to settle in the plantation at Naumkeag (or Salem), begun the year before under John Endicott.

In the first letter of instructions to Governor Endicott from the Massachusetts Bay Company, written (April 17, 1629) shortly before they set out upon their voyage, it is said that the company has made "plentiful provision of godly ministers," three of whom have been appointed on the Council, one of them being "Mr. Higginson, a grave Man & of worthy Comendacons," and that it has also engaged, for the medical and surgical service of the colonists, "Lambert Wilson, Chirurgion," adding: "moreover hee is to educate & instruct in his Art one or more Youths such as you and the said Council shall appoint, that may bee helpfull to him and, if occasion serve, succeed him in the Plantacon w^{ch} youth or youths fitt

¹ Papers of the New Haven Colony Historical Society, vii., Biographical Sketch of Theophilus Eaton.

² N. E. Hist. and Gen. Reg., lii. 348.

³ Bibliotheca Topogr. Britannica, vii. 603; viii. 787.

to learne that prfession lett bee placed wth him ; of w^{ch} Mr. Hugesson's Sonne, if his father approue thereof, may bee one, the rather because hee hath bin trayned up in litterature, but if not hee, then such other as you shall judg most fittest, &c." ¹

As in the course of this letter Francis Higginson's name is spelled once as Higgonson, and as there was no Hugesson, so far as appears, connected with the plantation, this reference must be to John Higginson, and serves to show the good progress he had made at school.

Francis Higginson was a Puritan but not an Independent. He looked upon the Church of England as still his church, though for the time she had silenced him and come under evil counsels. When their ship "came to the Land's End," writes Mather in his "Magnalia," "Mr. Higginson calling up his children and other passengers unto the stern of the ship to take their last sight of England, he said *We will not say as the Separatists were wont to say, at their leaving of England, Farewel Babylon! farewel, Rome!* but *we will say, farewel dear England!* farewel the Church of God in *England*, and all the Christian friends there! *We do not go to New-England as separatists from the Church of England; though we cannot but separate from the corruptions in it: but we go to practice the positive part of church affirmation and propagate the gospel in America.* And so he concluded with a fervent prayer for the King, and church and State in *England*; and for the presence and blessing of God with themselves, in their present undertaking for New-England." ²

Dr. Palfrey ³ is inclined to discredit this part of Mather's narrative; but the allusion to Higginson's calling his children about him to hear his farewell could hardly have been made, except on the authority of that one of them who still survived, and to whom this passage, of all others, must have been submitted for approval.

The prayer for Charles I. and the established church with which his father began the voyage must have made a deep impression on young John. After nearly seventy years in New England, he wrote in much the same spirit in his

¹ Transactions of American Antiquarian Society, iii. 93.

² Magnalia, ed. of 1820, i. 328.

³ Hist. of New England, i. 297, note.

Preface to the "Magnalia," in enumerating the ways in which that book might be serviceable, that one was this:—

"That the little daughter of *New-England* in *America*, may bow down herself to her mother *England*, in *Europe*, presenting this *memorial* unto her; assuring her, that though by some of her *angry brethren*, she was forced to make a *local secession*, yet not a *separation*, but hath always retained a dutiful respect to the *Church of God* in *England*; and giving some account to her, how graciously the Lord has dealt with herself in a *remote wilderness*, and what she has been doing all this while; giving her thanks for all the *supplies* she has received from her; and because she is yet in her *minority*, she craves her farther *blessing* and *favour* as the case may require; being glad if what is now presented to her, may be of any use, to help forward the *union* and *agreement* of her *brethren*, which would be some satisfaction to her for her undesired local distance from her dear *England*; and finally promising all that reverence and obedience which is due to her good *mother*, by virtue of the *fifth* commandment."¹

This Preface contains another observation, evincing the same spirit. The fact that ten of the Mather family had already been ministers in New England is mentioned; and it is accounted for as "a reward of *grace*, with respect unto the *faithfulness* they have expressed, in asserting, clearing, maintaining, and putting on for the practice of that great principle, of the *propagation of Religion* in these Churches, viz. *The Covenant-state and Church-membership of the Children born in these Churches*, together with the *Scripture-duties* appertaining thereunto, and that by vertue of God's *Covenant of Grace*, established by God with his people, and their seed with them, and after them in their generations."²

True to this principle, the Salem church, over which Francis Higginson was the first "teacher," recognized the baptized children of its members as *ipso facto* members themselves of the universal church. John Higginson was admitted on this footing to its fellowship when a lad of thirteen, after showing to the pastor, Mr. Skelton, that he was sufficiently acquainted with "the principles of religion," and giving public assent to the church covenant.³ It was the first accession to the church after its formation.⁴ His baptism, which was thus accepted

¹ Magnalia, ed. of 1820, i. 11.

² *Ibid.*, 12.

³ Morton, New England's Memorial, ed. 1826, 148; Mather, Magnalia, i. 67.

⁴ Mass. Hist. Soc. Coll., 3d series, vii. 222.

as the proof or "seal" of his right to recognition as a member of the holy catholic church, was, of course, his baptism in the Church of England. In fact, the proceeding was a virtual conformity to the practice of that church as to the confirmation of baptized children on reaching the age of discretion, without looking for formal proof of what the prevailing New England theology was soon to insist on, in the case of all, by the names of conversion and regeneration.

The covenant to which John Higginson gave his assent had been recently framed by his father. It probably consisted of but these few words: ¹—

"We Covenant with the Lord and one with an other; and do bynd our selves in the presence of God, to walke together in all his waies, according as he is pleased to reveale himself unto us in his Blessed word of truth."

No public assent to a formal doctrinal statement was at this period asked of any who might ask admission either to the communion or to church membership in New England. The elders examined those of the latter class in private, however, and this examination generally extended to their religious beliefs.²

Francis Higginson had been for several years in infirm health,³ and had been careful, before agreeing to join the Massachusetts settlers, to provide for the contingency of his death in the new Colony. In his contract with the Massachusetts Bay Company, dated in the month following the grant of its patent, it is especially provided that in that event the Company should "take care for his widdow during her widdowhood and aboade in that country and plantation; and the like for his children whilst they remain upon the said plantation."⁴ He died on the day when John became fourteen years old. But meanwhile the Company had been growing into something new. It had transferred its seat of government to Massachusetts, and Governor Winthrop and his fleet had arrived at Salem in June, 1630, in time to hear Mr.

¹ Walker, *Creeds and Platforms of Congregationalism*, 95, 106, 116. I accept his verdict as between Judge White and Dr. Worcester.

² Walker, *op. cit.*, 106.

³ Life, by T. W. Higginson, 67.

⁴ *Ibid.*, 35.

Higginson's last sermon, which he had prepared for them on the text, "What went ye out into the wilderness to see?"¹

The first General Court was not held until October, and it was probably thought not best to begin the political history of the infant Colony with the institution of a pension list. The care of the Higginson children was therefore taken up by a few of the principal settlers, and they were handsomely provided for as long as they stood in need of assistance;² as well, says Cotton Mather, "as if Thousands of Pounds had been left unto them."³ Increase Nowell, of Charlestown, was one of these, and Mrs. Higginson soon removed to that place; remaining there until a settlement was made at New Haven, when she transferred her family to that jurisdiction. With her personally it would appear, from a letter of hers to Governor Winthrop dated January 26, 1630, that the Bay Company made a definite settlement by making over to her the house which it had provided for her husband, two cows, and a sum of money. The letter was endorsed by him as "her acceptance of compensation," which must refer to the obligation of the company under its contract with Mr. Higginson. Two offers of compensation were apparently made in the alternative, one of which she accepted. This letter is headed in a style then sometimes followed, "Emanuel" (God with us). The house was sold by her order and for her benefit in 1635, while she was living in Charlestown.⁴

The education of John Higginson was looked after by Governor Winthrop, Increase Nowell, and Richard Dummer, together with John Wilson, the first pastor of the Boston church, and, after their arrival in this country, in 1633, John Cotton and his associate in the pulpit, Thomas Hooker, first of Newtown and then of Hartford. "Some of them," he says in an autobiographical fragment written when he was a man of seventy,⁵ "were at a considerable charge for my future education in learning (long before there was any Colledge) in the

¹ Mather, *Magnalia*, i. 329.

² Prefatory dedication in John Higginson's "Our Dying Saviour's Legacy of Peace."

³ Funeral sermon on John Higginson, p. 30.

⁴ Charles W. Upham, *Principles of Congregationalism: The Second Century Lecture of the First Church, 1829*, Appendix C, p. 67; *Proc. Mass. Hist. Soc.*, 2d series, vi. 424; Felt, *Hist. of Salem*, i. 24; *Mass. Hist. Soc. Coll.*, 1st series, vi. 263; *Essex Inst. Coll.*, viii. 252; ix. 21.

⁵ In the prefatory dedication of "Our Dying Saviour's Legacy of Peace."

best manner that could be then attained in the day of small things here." Among other things he was taught something of the French and Indian languages.

On May 25, 1636, when only nineteen years old, he was admitted as a freeman of the Colony.¹ At this time the General Court admitted as freemen whom they would, provided only they were members of one of the churches in the Colony. As on the same day,² in response to a general popular demand, they appointed a committee to prepare a code of laws "which may be the Fundamentals of this Commonwealth," it is probable that they desired, before any further restrictive regulations might be adopted, to bring into the electoral body all persons of education and position, without much regard to their having attained full age.

In the summer of this year his knowledge of the Indian languages helped to put him on a mission of some importance. John Oldham, of Watertown, was killed in an encounter with savages near Block Island in July. On August 8th the General Court of Massachusetts sent off Lieutenant Edward Gibbons and John Higginson, with Cutshamikin, a sagamore of Massachusetts, to treat with Canonieus, the chief of the Narragansetts, in regard to this murder.³ Johnson, in his "Wonder Working Providence,"⁴ speaks thus of this incident: "Fit and able men being chosen by the English they hast them to Cannoneus' Court which was about fourescore miles from Boston." Gibbons, who a few years later was sent against the Narragansetts at the head of a little army raised from all the Colonies, well deserved this description. That it was given to young Higginson by so intelligent an observer as Johnson is strong proof that he also was selected for more than an interpreter. For that office Cutshamikin was probably the better equipped.⁵ They were off for five days on this embassy, and the records of the General Court show that on their return "John Higginson had given him 2^l for his paines, & danger undergone."⁶ In the "Wonder Working

¹ Records of Mass., i. 372. According to the English practice, a minor could take the oath of allegiance (Britton, i. 19 b, 152), but could not vote for a member of Parliament. Wood's Institutes, book i. chap. i. p. 450.

² Mass. Hist. Soc. Coll., 3d series, viii. 204.

³ Winthrop Hist. of N. E., i. 192.

⁴ P. 109.

⁵ Winthrop Hist. of N. E., i. 195.

⁶ Rec. of Mass., i. 181.

Providence" there is a spirited and graphic account of what they saw, — so spirited and graphic as to have given rise to the opinion that Johnson must have accompanied the party. Of this there is no other evidence, and if such a man of middle age and prominent position had gone with them, Winthrop would hardly have omitted to mention the fact in his record of the expedition, which is of some length. It would seem to me more probable that Johnson got his facts from Higginson, who was a close observer and gifted with good powers of description.

In June of this year Thomas Hooker and his company had gone through the wilderness to the Connecticut River and founded the town of Hartford. Hooker had been an early acquaintance of Francis Higginson, and had done much to bring him into the ranks of the nonconformists.¹ "It was no rare thing for him," says Mather, to give sometimes five pounds, sometimes ten pounds at a time, towards the support of widows and orphans, especially those of deceased ministers.² To such a man the family left with but a slender provision by the early death of Francis Higginson must have appealed most strongly, on his arrival in the Colony three years afterwards.

Mather observes, in his "*Magnalia*,"³ that, as in the early days of Christianity, when there was nothing, except perhaps in Alexandria, in the nature of a school of divinity, the bishop of every church took care to educate and elevate some young men for future service in the ministry, so, before the establishment of Harvard College, it was with the pastors of New England. John Higginson and his life-long friend Thomas Thacher, each coming to Massachusetts at about the same age, with simply a good grammar-school education, were among the earliest to profit by this practice. It is probable that the theological education of John Higginson was partly received from Hooker, while both were citizens of the Bay Colony, and it was certainly continued under him after his removal to Hartford to become pastor of the church at that place.

Shortly before that time Lion Gardiner had begun his fortifications at Saybrook. John Winthrop, Jr., took up his residence there, for a year, as Governor of the post,⁴ and was

¹ *Magnalia*, i. 323.

² *Ibid.*, 313.

³ i. 442, ed. of 1820.

⁴ Felt, *Eccl. Hist. of New England*, i. 299.

probably induced by his father to engage John Higginson to act as chaplain to the new settlement. In the autobiographical fragment to which reference has been made, after speaking of those who took charge of him upon his father's death, "that I might be continued in my Learning and bred up into the Ministry," Mr. Higginson continues: "I was in the year 1636 sent and employed by them in the work of the Ministry (in the time of the Pequot War) at Say-Brook Fort, where I continued above four years."

The first expedition from Massachusetts against the Pequots was sent out on August 25, 1636. Salem contributed her quota of men, and young Higginson accompanied them as chaplain.¹ Before proceeding to attack the Pequots at New London, they visited the fort at Saybrook. Though their coming was unexpected,² they obtained a reinforcement there, early in September, of twenty men, and when this detachment returned to the fort, a few days later, it is probable that Higginson accompanied them, to remain there in his new office.³ Certainly he was in the fort during the following winter and spring. The Pequots had now assumed the offensive, and began to boast that they could kill Englishmen as easily as mosquitoes. They got the better of the settlers at the mouth of the river in several petty skirmishes. During one of these two of the garrison deserted their commander and ran back to the fort. Gardiner thought their cowardice demanded the severest punishment, and though he then had but twenty soldiers under his command and they were really in a state of siege, determined to have the two men draw lots as to which of them should be hanged; "but," he wrote in his account of the Pequot Wars, "at the intercession of old Mr. Michell, Mr. Higginson, and Mr. Pell I did forbear."⁴ Gardiner's narrative shows that at this time Mr. Higginson was considered one of his command, and was used at times as an interpreter.⁵

In the spring of 1637 Mr. Higginson sent a letter to the elder Governor Winthrop, urging another expedition from

¹ Felt, *Hist. of Salem*, ii. 502.

² Mass. Hist. Soc. Coll., 3d series, iii. 140.

³ Felt, in his "Ecclesiastical History of New England," i. 253, says (citing no authority) that Higginson began to preach at Saybrook in April, 1636. This seems improbable, as he was admitted a freeman in Massachusetts in May, 1636.

⁴ Mass. Hist. Soc. Coll., 3d series, iii. 144.

⁵ *Ibid.*, 148, 150.

Massachusetts against the Pequots, and saying that projects of increasing trade, setting up a college, or anything else should be put aside until this danger which threatened to overwhelm all New England was met and vanquished. It is written with an ardor of feeling that might not unnaturally be expected from one of a handful of men beleaguered by savages, but also with a force and spirit that made it particularly effective. The following passage has something of the Miltonian in its diction: —

“If the passages here be well considered & the Lord be pleas'd to sanctifie our punishments, to be warnings to the wise, I hope it may be a means to roote out that deeply rooted securitie, & confidence in our owne supposed strength (2 English diseases, & dangerous wormes that vse to breed & grow in abused peace or slighted liberties), that so the loss of these, & danger of our selues may be the safetie & preservation of many others.”¹

Massachusetts soon afterwards sent out another party of troops to aid the Connecticut settlers (in June, 1637), of which his patron, Mr. Wilson, was the chaplain. To this Mr. Higginson also joined himself,² and probably returned to the Bay with it; for towards the end of August we find him again in Massachusetts.

Among other evidences of his careful education was a knowledge of short-hand, — an art almost more important then than now, owing to the scarcity of writing paper. This secured him an appointment as the scribe of the Cambridge synod of that year, of which Thomas Hooker was one of the moderators. It was the first general ecclesiastical council held in New England, and was called by the General Court of Massachusetts to consider the Antinomian positions especially advocated by Mrs. Anne Hutchinson, and, in a way, the general question of women's rights.³

It was arranged, among those who had the direction of the

¹ Mass. Hist. Soc. Coll., 4th series, viii. 394.

² Felt, Hist. of Salem, ii. 503; Letter of Rev. T. Cobbett in 1677, N. E. Hist. and Gen. Reg. vii. 212.

³ Walker, Creeds and Platforms of Congregationalism, 133. Hubbard, in his “General History of New England,” chap. xv., gives quite a full account of the doings of the synod, and its results were printed at some length in 1644, at London, in the “Short Story of the rise, reign, and ruine of the Antinomians, Familists & Libertines, that infested the Churches of New England,” prepared by Governor Winthrop, and prefaced by Rev. Thomas Wilde.

business, that young Higginson should prepare a report of the doings of the synod for publication and sale, and he was encouraged to think that it would bring him £100.

The synod closed its sessions towards the end of September, 1637, and he then went to Hartford, taking his stenographic notes with him. A few weeks later we have this glimpse of him in a letter from Mr. Hooker to Governor Winthrop: "Mr Higginson, who was the scribe in Assembly, hath employed his tyme, since his coming, to transcribe such things wth were of use, but because the things were many & his tyme short, our friends returning so speedily, he could not accomplish much, but hath taken his papers wth him downe to the mouth of y^e river, whither his occasions call him for the p^{re}sent and from whence he will send you such p^{ar}ticulars as he shall shortly write out & y^t by the soonest conveyance."¹

It was not till May, 1639, that the result of his labors was presented to the General Court for its approval. It was accepted as correct, but question was now made by some of the ministers whether it was wise to give it to the public. The dispute had grown old. Mrs. Hutchinson had been banished. The time of the synod had been largely taken up in debates in which her adherents had been invited to participate. They had stated their positions in the afternoon of each day, and on the morning of the next the members of the synod had attempted to confute them. The short-hand report probably recorded the whole proceedings. Mrs. Hutchinson was a better talker than some of her clerical critics. John Cotton's position had been a subject of attack.² Such a publication might stir up more differences than it would heal. Mr. Higginson, consequently, though offered £50 for the manuscript, declined to let it go out of his hands, and in 1641 returned it again to the General Court. The final decision was that it should not be printed.

Two years later, in a memorial dated at Guilford, August 9, 1643, he asked the General Court, after reciting these circumstances, for compensation for his work, suggesting a willingness to accept the sum that publishers had offered him.³ The only result was a vote (October 17, 1643) authorizing him to

¹ Proc. Mass. Hist. Soc., 2d series, vi. 425.

² See Dr. Ellis's *Life of Anne Hutchinson*, Sparks's *Am. Biography*, xvi. 257.

³ N. E. Hist. and Gen. Reg., xiii. 26.

publish it for his own benefit;¹ but after his return to Massachusetts, in 1661, a new memorial met with better success, and (May 22, 1661) a grant was made by way of payment for his youthful services of 700 acres "of land in some free place & not prejudicial to a plantation," and a committee was appointed which laid it out in 1663.²

In 1639 we find him enrolled as one (and the last in the list) of the proprietors of the common and undivided lands in Hartford, and that he had also had a particular allotment of twelve acres,³ representing an investment of £10.⁴ If at this time he had been a recognized minister, we should expect to find his name entered in the town records with the prefix of Mr. It is not; but a few months later in the same year does so appear on the records of the Colony of New Haven.⁵

The records of the church at Saybrook in the seventeenth century are lost; but none was organized till 1646.⁶ It may safely be presumed, therefore, that he was never formally ordained while at that place. His was a civil or, it might be said, a military appointment. No Congregational minister in those days was ordained except for the service of a particular church, nor unless elected to office by that church.⁷ The Saybrook plantation was probably regarded ecclesiastically as a dependency of the church at Hartford; for in 1640 or 1641 Mrs. Fenwick — or, as the colonists loved to call her, Lady Fenwick — became a member of that, and her child was baptized in it.⁸

The Connecticut colony, it will be recollected, was anxious from the first to have the Saybrook settlement join itself to the other river towns, and in September, 1639, the General Court went so far as to nominate George Fenwick as one of the magistrates for the ensuing year, provided he should be a freeman by election time.⁹

¹ Felt, *Eccles. Hist. of New Eng.*, i. 521; *Mass. Col. Rec.*, ii. 52.

² *Mass. Col. Rec.*, iv. 15, 90.

³ *Conn. Hist. Soc. Coll.*, vi. 19, 23.

⁴ *Hartford MSS., Town Land Records*, viii. 33, 38; "Distributions," 545.

⁵ *N. H. Col. Rec.*, i. 29.

⁶ Trumbull, *Hist. of Conn.*, i. 299, 502, note. Cf. *Mass. Hist. Soc. Proc.*, 2d series, iii. 49.

⁷ *Cambridge Platform of 1648*, chap. viii. 6, 9; chap. ix. 1, 2, 6.

⁸ *Lechford's Plain Dealing*, 98; Walker, *Hist. of First Church of Hartford*, 108.

⁹ *Col. Rec. of Conn.*, i. 36. Apparently he did not become a freeman for several years, for he was not elected a magistrate in 1640 and there is no renomina-

On March 25, 1697, Mr. Higginson spoke of himself as having been sixty years in the ministry of the gospel,¹ which would place his recognized introduction to it in 1637. Thomas Lechford, writing in 1641, soon after his return to England from Massachusetts, in speaking of the Fenwick settlement as it was when he was in New England, says that there was "at the rivers mouthes a faire house and well fortified and one Master Higginson, a young man, there Chaplain."² Hutchinson also speaks of Higginson as being, as late as 1641, "chaplain to Mr. Fenwick & Lady Boteler³ at the Fort at Saybrook."⁴

For a brief time at some period between 1636 and 1643 (probably, I think, in 1642) he was a school teacher in Hartford. No vote as to the employment of a school teacher appears in the town records prior to 1643,⁵ but they show that a school had been established prior to December 6, 1642, probably by the townsmen.⁶

Cotton Mather, who knew him well, but knew so much and so many that his overloaded memory not unseldom betrayed him, said of him in a commemorative discourse⁷ soon after his death (January 16, 1708-9): "This was our Simeon who was first a Chaplain and Preacher at Say-Brook, then a School-Master at Hartford: And after that, a Minister at Guilford." Henry Wheatland, one of his descendants, a careful antiquarian, and others put his Hartford life first.⁸

It is not impossible that he filled each of these offices at the same time. Hartford and Saybrook were within a few hours' reach of each other by boat,⁹ and school terms must have

tion until January 3, 1643-4. He was elected a magistrate in 1644, and annually re-elected until and including 1648. Col. Rec. of Conn., i. 99, 124, 149, 163. He sat as such at the General Court and also at a Particular Court in October, 1645. *Ibid.*, 132. Probably he did not accept an election until the agreement for the cession of Saybrook to Connecticut had been made, December 5, 1644. *Ibid.*, 266.

¹ *Magnalia*, i. 10.

² Lechford's *Plain Dealing*, 98.

³ Another pseudonym for Mrs. Fenwick. Her first husband was Sir John Boteler, Kt.

⁴ Hutchinson, *Hist. Mass. Bay*, ii. 176, ed. 1768.

⁵ Conn. Hist. Soc. Coll., vi. 65.

⁶ *Ibid.*, ii. 63.

⁷ P. 31.

⁸ *Trans. Essex Inst.*, v. 34; *Mass. Hist. Soc. Coll.*, 4th series, viii. 369, note; *Eliot's Dict.*; and *Allen's Dict.*

⁹ See, as to the close relations between Saybrook and Hartford at this period, Johnson's *Wonder Working Providence*, 187.

been irregular in a frontier settlement, where every child's labor was valuable in the fields during half the year.¹

It seems more likely, however, that his school work followed immediately upon the coming of Rev. Thomas Peters to Saybrook, which was not far from the year 1641. Mr. Peters, who was a brother of Hugh Peters, took the chaplaincy there for several years between 1641 and 1646.² This sequence of events seems more in consonance with Mr. Higginson's autobiographical reference to the Hartford episode, in which, after describing his more than four years at Saybrook, he says that before his settlement at Guilford he was "sometime a School-Master at Hartford, where I enjoyed the publick Ministry and private helpfulness of the Learned and Godly Mr. Hooker and Mr. Stone."

His engagement there, however, may have begun in October, 1637, when he returned with Hooker from the Cambridge synod. The letter of the latter, already quoted, to Governor Winthrop, indicates that while at that time Mr. Higginson was at Saybrook, his stay there was regarded as temporary, and he was looked upon as belonging to Hartford. We find him there again early in the following spring (March, 1638), when he accompanied Governor Hopkins and Mr. Goodwin as an interpreter, "for want of a better," as he modestly writes, upon an expedition to Norwalk to treat with the Indians for a conveyance of the territory between "Quillipoke and Manatoes," that is between what soon afterwards became better known as the New Haven jurisdiction and the Hudson River. This was followed by a cession consummated at Hartford in Mr. Hooker's barn, at which Higginson was also present.³

His mother was one of the early proprietors of lands there, and owned a lot of twenty-six acres on the river bank, adjacent to his own. She had sold out her holdings by January, 1639.⁴ The taxes on his lot for 1639 remained unpaid until January, 1642 (N. S.), when "the toune at a meeting did aquit him of this debt."⁵ This action seems to imply that

¹ T. W. Higginson, *Life of Francis Higginson*, 72.

² Trumbull, *Hist. of Conn.*, i. 292.

³ *Mass. Hist. Soc. Coll.*, 5th series, ix. 118.

⁴ *Conn. Hist. Soc. Coll.*, vi. 15. *Hartford MSS. Town Records*, "Distributions," 402, 471, 472.

⁵ *Conn. Hist. Soc. Coll.*, vi. 7, 59, 60.

the town was under some obligation to him. It may have been taken to compensate him for his services as interpreter in negotiating the Indian purchase of 1638, or in connection with those rendered or to be rendered as the town school-master.

On Colonel Fenwick's second voyage to America, which took place during the summer of 1639, he had taken ship to Quinnipiac (or New Haven),¹ and Rev. Henry Whitfield was one of his fellow passengers. Whitfield and his party soon made a settlement at Guilford, the point in the Colony of New Haven nearest to the territory appertaining to the Saybrook jurisdiction. Fenwick was on the friendliest terms with him, and no doubt advised the selection of the site for their plantation. His chaplain was one of the subscribing witnesses to the conveyance of it obtained from the Indians in September, 1639,² and so probably assisted as an interpreter at the preliminary negotiations.

A few months later³ his mother died at New Haven, where she had become one of the planters. She had an estate of about £250, besides a farm at Saugus. As she left no will, the General Court voted, "w^h the consent and approbation of Mr. John Higginson her eldest sonne," that he, "the charges of his education considered, is onely to have his father's books, together w^h the value of 5^l in bedding for his porcō,"⁴ with a share of the proceeds of the Saugus farm when sold.

Mr. Whitfield brought over a large family of sons and daughters, and built what for that day was a handsome house for himself. It was of solid stone, and still stands in good condition. He was a great admirer of Thomas Hooker,⁵ and had given him shelter at his rectory at Okely in Surrey, when he was in danger of arrest for nonconformity. It is not improbable that he now sought his advice as to procuring an assistant for the Guilford pulpit. No New England church was then thought properly equipped without at least a pastor and a teacher. Mr. Whitfield had employed a curate at Okely, and would naturally want some such aid in his new home. At all events, John Higginson soon removed to Guilford for this pur-

¹ He arrived July 15th.

² Atwater, Hist. of N. H. Colony, 164.

³ In January or February, 1639-40. N. H. Col. Rec., i. 28.

⁴ N. H. Col. Rec., i. 29, 30.

⁵ Mather, Magnalia, i. 312, 541.

pose, where he afterwards married Mr. Whitfield's daughter Sarah.¹

Public worship was at this time supported at Guilford as a town affair, without the organization of any church. Mr. Whitfield was a man of considerable means, and probably served at first without charge. His young assistant was not in a position to do this, and at his request a town meeting was called to determine what and how he should be paid. At this meeting a paper was signed, pledging each of the subscribers to a certain contribution, under an oral agreement that if any of them should remove from the town, it should have the use of his lands so long as might be necessary for the purpose of raising the amount of his subscription. The validity of this curious lien, which there was soon occasion to enforce in the case of one of the settlers who removed the next year to New Haven,² was upheld in a suit between him and the town of Guilford,³ by the General Court of the Colony.

A church was finally organized in June, 1643.

For four years the plantation had been governed by four of the planters to whom the rest had intrusted such authority as they could bestow for that purpose. The title to the lands which they occupied had been taken by seven of their number for the benefit of all, and with the understanding that it should be made over to the church whenever it should be formed, to be distributed under its superintendence.⁴ So, at a meeting of the planters, held February 7, 1642, it was agreed "that the civil power for the administration of justice and preservation of peace" should remain in the hands of the four men "formerly chosen for that work, until some may be chosen out of the church that shall be gathered here."⁵

True to this original design, as soon as the church was organized a political change followed, which I think is unique in the history of New England. The church absorbed the town and became the governing body, not as a municipal but as an ecclesiastical authority. It was an assertion of the temporal

¹ His removal is stated by Rev. Mr. Ruggles, in *History of Guilford* (Mass. Hist. Soc. Coll., 1st series, iv. 187), to have been in 1643. Smith (*Hist. of Guilford*, 92) puts it "about 1641."

² Atwater, *Hist. of New Haven Colony*, 168.

³ *New Haven Colony Rec.*, i. 371, 372, 431, 432.

⁴ Smith, *Hist. of Guilford*, 9.

⁵ Atwater, *Hist. of New Haven Colony*, 168.

power as properly an appurtenance of the spiritual. Those to whom the Indian title to the land had been conveyed resigned their rights into the hands of the church, and, the Guilford records proceed to state, those four of them also which had been chosen to exercise the civil power did also express that their trust and power for that work was now terminated.¹ It was then unanimously agreed that only such of the planters as should be members of the church should thereafter be called freemen, and that the freemen should "elect magistrates, deputies, and other officers of public interest or authority in matters of importance concerning either the civil affairs or government here, from amongst themselves, and not elsewhere."²

The plantation had been supporting a church. It was now to be the church which supported the administration of the plantation.

New Haven and Milford had proceeded in the same direction, but by no means so far. New Haven allowed members of other churches to be admitted as freemen,³ nor did her church, as such, assume any rights of property or political government.⁴ Milford had already admitted as freemen some who were not church members at all.⁵ The Guilford planters, on June 29, 1643 (N. S.), made their own local church the fountain of political power and the source of future landed proprietorship. One of Mr. Higginson's successors in the Guilford pulpit, writing a century later, thus epitomizes the day's doings: "Like their brethren at New Haven they adopted and acted upon that unhappy mistake that it is a thing of more importance to save and be governed by the steeple than the State."⁶

Practically, however, the only real political change was a narrowing of the right of suffrage for civil office. The church spoke, in politics, only through its members acting individually, as they gave their votes; and while they only could act in elections to office, town meetings of all the planters, whether church members or not, were soon held as formerly, at which lands were divided and roads ordered.⁷

¹ Smith, Hist. of Guilford, 151.

² Atwater, Hist. of N. H. Colony, 170.

³ N. H. Col. Rec., i. 20.

⁴ Levermore, Republic of New Haven, 15.

⁵ Atwater, Hist. of New Haven Colony, 157.

⁶ Mass. Hist. Soc. Coll., 1st series, x. 97.

⁷ Smith, Hist. of Guilford, 52. The first was on October 7, 1646. Steiner, Hist. of Menunkatuck, 140.

On the formation of the church, Mr. Whitfield was elected "pastor" and Mr. Higginson "teacher." This was not followed by any ceremonies of ordination.¹

Mr. Whitfield not unnaturally considered his orders in the Church of England as sufficient. He was the leader of the plantation, and its main financial support. Guilford was virtually his old parish of Okely transplanted to New England. His church wardens had followed him and most of the substantial parishioners.²

It is less easy to assign a reason for the fact that Mr. Higginson was neither ordained then nor later during his life in Guilford, although the new church made him its "teacher" at the time that Mr. Whitfield became its "pastor."³ Probably it came from the fact that he had been for quite a time fulfilling the same office for the same people, so that it would have been a mere piece of ceremony, and also, at the beginning, from a wish not to put his colleague in any position that might have seemed an awkward one; for if there had been an ordination, the imposition of hands would naturally have been looked for from Mr. Whitfield, whose ties to the Church of England were still strong, and who not improbably had no disposition to assume a function which, he had been accustomed to feel, belonged only to a bishop.

In the replies of the colonial clergy to the thirty-two questions as to church order in New England, asked in 1637 by some of the Puritan ministers in England, it is stated as the New England view that the real title to ministerial office came from the election to it by the members of the church; that ordination was no more necessary than coronation to a king; and that when given, at the formation of a church, it was to be given "by the most prime, grave, and able men from among themselves, as the church shall depute hereunto."⁴ Mr. Higginson, no doubt, had these opinions, for they were substantially repeated in the Cambridge Platform of 1648 (Chap. IX.) and followed in his own ordination at Salem in 1660.⁵

The sentiment of that day was distinctly against the prac-

¹ Ruggles, *Hist. of Guilford, Mass. Hist. Soc. Coll.*, 1st series, iv. 186, 187.

² *Mass. Hist. Soc. Coll.*, 1st series, x. 91.

³ Felt, *Hist. of Salem*, ii. 582; Smith, *Hist. of Guilford*, 89; Trumbull, *Hist. of Conn.*, i. 521.

⁴ Felt, *Eccles. Hist. of New Eng.*, i. 281, 384, 385, 480.

⁵ *Ibid.*, ii. 224.

tice of ordination at large. Thomas Hooker was opposed to it, and it is known that his views were shared by Mr. Higginson. It was their opinion that there should be no pastor without a people,¹ that is, without a people formally associated as a Christian church.

That Mr. Higginson regarded himself and was regarded by the clergy of the time as regularly in the work of the ministry as early as 1637 is plain. That was as chaplain to a military post. At Guilford he continued the work as teacher of a church. That was by the free election of the church; and this was, in the ecclesiastical law of the time among Congregationalists, a sufficient title.²

Another significant departure at Guilford from the general custom of New England was the omission to choose deacons. None were ever elected during Mr. Higginson's ministry there.³ This, again, was probably due to Mr. Whitfield's influence. He was still of the Church of England, and his position of nonconformity had not committed him to the view that a mere layman could properly bear the name of deacon.

The church at Guilford, when it was organized, was set, after the fashion of New Haven Colony, on seven pillars. It was quite a family church.⁴ The pastor and teacher were the first two pillars. The third was another son-in-law of Mr. Whitfield, Samuel Desborough (or Disborow), whose brother, Major-General John Desborough, had married a sister of Oliver Cromwell (Jane), and who, returning to England in 1650, became Keeper of the Great Seal of Scotland and a member of Cromwell's Parliament in 1655. The fifth was Jacob Sheaffe, a first cousin of Mrs. Whitfield, who was a daughter of Rev. Dr. Thomas Sheaffe, Dean of Windsor.⁵

While at Guilford, Mr. Higginson also kept the town school until 1656, when he was succeeded by Rev. Jeremiah Peck, afterwards the first Rector of the Hopkins Grammar School of New Haven.

¹ Felt, *Eccles. Hist. of New Eng.*, i. 566.

² Walker, *Creeds and Platforms of Congregationalism*, 145, notes 3, 4.

³ Steiner, *Hist. of Menunkatuck*, 40.

⁴ Atwater, *Hist. of New Haven Colony*, 169.

⁵ N. E. Hist. and Gen. Reg., lv. 215, 216. Savage in his Dictionary erroneously calls Jacob Sheaffe a brother of Mrs. Whitfield.

He was at this time, and through life, a plain talker in the pulpit.

No one can read the records of those days without seeing that chastity was not the virtue best practised. Evidently he preached on this theme, for the town court records show, in 1647, that one of his young parishioners, who was accused of fault in this respect before the courts, in commenting on his preaching said that "Mr. Higginson in his sermon did so teare at y^e young men that if he had been there, he would have gone out of the meeting-house and not have endured them."¹

In 1647 Thomas Hooker died. He had intended to prepare for publication a body of divinity founded on the sermons of a lifetime. Like most popular preachers of his day as well as ours, he had been often a victim of the short-hand reporter. Hasty and perhaps unguarded utterances in the pulpit had been thus perpetuated, out of their proper setting and with imperfect accuracy. He had also maintained what became in the succeeding century the shibboleth and the reproach of "Hopkinsianism," and doubtless wished to have his position as to that precisely stated.² This work he never completed, but in his will³ he left it to his wife, with the assistance of Governor Hopkins and William Goodwin, to decide what, if any, of his manuscripts were fit to be printed. Apparently they made Mr. Higginson a sort of literary executor, for he was at the pains of transcribing nearly two hundred of the sermons and preparing them for the press. Much, but not all, of this material afterward appeared in print.⁴

The great bulk of the Guilford settlers were farmers, and they soon found that they had not land enough for their comfortable subsistence. Removals began, and more were threatened. In October, 1645, Colonel Fenwick, at Mr. Whitfield's request, enlarged their bounds by a cession of considerable extent to the eastward and expressed the hope that it would "be a means fully to settle such who for want of fit accommodations (have) begun to be wavering," adding that "however in former times (while chapmen and money were plentiful) some have gained by removes, yet in these latter times, it doth

¹ Steiner, *Hist. of Menunkatuck*, 80.

² Walker, *Life of Thomas Hooker*, 165.

³ Col. Rec. of Conn., i. 500.

⁴ Mather, *Magnalia*, i. 315.

not only weaken and discourage the plantation deserted, but also wastes and consumes the estates of those that remove. Rolling stones gather no moss in these times and our conditions now are not to expect great things. Small things, nay moderate things, should content us, a warm fireside, and a peaceable habitation, with the chief of God's mercies, the gospel of peace, is no ordinary mercy, though other things were mean."¹

There were forces at work more powerful than the want of farm-land, however, to disintegrate the little plantation. Fenwick himself was one of the first to yield to them, and in a year or two was campaigning in Ireland, one of fortune's favorites among Cromwell's colonels.²

The establishment of the Commonwealth sealed the doom of Guilford. Almost all the leaders, the men of means and position — Whitfield, Desborough, Thomas Jordan, and others — returned to England in 1650 or soon afterwards. It had never been anything more than a settlement of farmers. It was now a settlement of poor farmers. The little Colony, of which it was on the eastern frontier, was also sinking in relative importance, as compared with Connecticut. It had been hoped that its capital, New Haven, would become an important seat of trade, but this hope had faded away. There had been a project for establishing a college there for the Colony, but that had been abandoned as beyond the means of the people. Guilford, at a General Court for the town held on June 28, 1652, declined, on this ground, to make any pledges for the support of such an institution, should it be set up, "esply considering the unsettled state of New Haven Towne being publicquely Declared frō the Deliberate judg^t of the more understanding men to be a place of no Comfortable subsistence for y^e p^rsent inhabitants there."³

Mr. Whitfield was one of the first party to set sail for home, and three years later Mr. Higginson was chosen "pastor" of the church, in which he had continued up to that time to be the "teacher."⁴ A town meeting was called, on September 5, 1653,⁵ to settle his salary; and he agreed in writing that if he

¹ Smith, Hist. of Guilford, 63.

² Whitelock's Memorials, ii. 249, 266; Carlyle, Life of Cromwell, i. 513.

³ Guilford MSS. Records, A, 128.

⁴ Smith, Hist. of Guilford, 92.

⁵ Guilford MSS. Records, 132.

were paid £80 a year, and had a new corn house, and £20 to pay his debts, he would continue with them in the work of the ministry as long as the salary should be duly paid.

To a young minister with a rapidly growing family in a thinly settled frontier town, the outlook must have seemed dark. Mr. Higginson for a time hoped that Cromwell's foreign policy might lead to some new opening for him and his people. Cromwell had written, early in the spring of 1654, to the Governor of the Colony of New Haven of a naval expedition to be sent out to assist the colonists against the Dutch at New Amsterdam.¹ A treaty of peace between the States General and England was, however, soon afterwards signed (in April, 1654), and Cromwell, finding a hundred and sixty men of war thus left free, began to think of sending them to the Spanish West Indies.² In October of this year (October 25) Mr. Higginson wrote to Rev. Thomas Thacher, of Weymouth, that Cromwell had suggested to some of those who had returned "from these parts, if N. England people would be willing to be removed, he might possibly remove them to a place where they should have towns, habitations, lands, staple commodities, &c." The place he had in mind, they thought, was Hispaniola or Mexico, and they reported that a great fleet was "prepared to be sent thitherward." "The apprehension," he adds, "of such a thing as being removed thither, or of a trade there, doth for the present stop and stay many in these parts, who were inclined, some for England and others for Delaware Bay. For myself, I have settled upon my relation to the church and people here, either to stay or go, together, as the will of God shall appear. Having constant intelligence from some nearly related to me, who are also nearly related to the Lord Protector, we at Guilford are as like to share in any privileges there as any other (if there should be any such thing), but it may be these are but trials, and that God will have his people stay here still . . . Our Governor Mr. Eaton is a fixed man, one like Mordecai seeking the welfare of his people either to stay or to remove with them."³

The fleet did sail against Hispaniola, a few weeks later (December, 1654), but only to meet with a mortifying rebuff. In Sewall's Diary we find that on November 11, 1696, he

¹ N. H. Col. Rec., i. 100, 102.

² Morley, *Life of Cromwell*, 436.

³ Conn. Hist. Soc. Coll., iii. 319, 320.

called on Mr. Higginson at Salem, who told him that a suggestion made to Cromwell from New England was one of the things that "put Him on the Expedition to Hispaniola," and that he himself, "and three more were to have gone to Hispaniola if the Place had been taken."¹

This would indicate that Mr. Higginson's resolution to stay at Guilford if the other settlers concluded to do so, was changed when, a few months after he had written to Mr. Thacher, the news came that a formidable squadron had actually been sent to seize Hispaniola.²

Of the three who were to go with him, William Leete and Thomas Jordan, the Guilford lawyers,³ were probably two. Both of them had been sent to Boston in June, 1654, as the representatives of the Colony to confer with Major Sedgwick and Captain Leverett, whom Cromwell had commissioned to arrange for the expedition against New Amsterdam,⁴ and Jordan not long afterwards went back to England. Leverett had been taken into Cromwell's confidence with regard to his designs on the Spanish possessions in America, and offered the place of Governor, should a conquest be effected and an English colony established. "My Lord," he replied, "Let us make an end of one voyage first"; and he declined it,⁵ as it afterwards turned out, very wisely. He may however have communicated to Cromwell, to whom he wrote July 1, 1654, of his conference with the Connecticut and New Haven Commissioners, that there were some capable and ardent men at Guilford to whom such an adventure would have greater attractions.

The English relations alluded to in the Thacher letter were, no doubt, Mr. and Mrs. Samuel Desborough and some of the Whitfield family. His brother-in-law, Nathaniel Whitfield, had returned to England early in this year, settling in London, and Mr. Higginson and he maintained a friendly correspondence until his death, forty years later.⁶

¹ Mass. Hist. Soc. Coll., 5th series, v. 437. This episode in the history of New Haven Colony was described by President Strong of the University of Kansas in 1898, before the American Historical Association. Am. Hist. Asso. Report for 1898, pp. 79-94.

² Bacon's Hist. Discourses, 368.

³ Felt, Hist. of Salem, i. 45; N. H. Col. Rec., ii. 100, 101.

⁴ *Ibid.*, 107 and note.

⁵ Mass. Hist. Soc. Coll., 5th series, v. 437.

⁶ *Ibid.*, 3d series, vii. 201.

Mrs. Desborough was a cousin of Jordan,¹ and her husband was in confidential relations with Governor Leete. At the Governor's request he had written to Cromwell early in 1653, in behalf of his "ffriends in these pts of New England, entreating his wise & gratioūs contriunt & help in their afflicted & straitned Conditio";² and shortly before Mr. Higginson's letter to Mr. Thacher, one had been received from Captain Astwood of New Haven, with an account of an interview which he had obtained from the Protector, since the peace with Holland. Astwood's negotiations are thus summarized in a letter from Leete to Desborough, dated October 10, 1654:—

"My Lord asked him whether it would not be better that New England were remoued to some place where they might haue Cittyes ready builded & land ready tilled & where staple Comodities might be raised, than either to remoue the dutch or plant in Delawar, the place he hinted it seemes was Hispaniola, But Captaine Astwood answered at p'sent that he thought we would rather chuse the nearer & probably more peaceable though the poorer, Than be remoued farther wth more hazard to loose peace, & gaine riches. The answer was true for the maine so farr as it went, But we app'hend some should haue beene added, as we haue inserted in a lre frō our Generall Court to y^e Protecto^r this yeare, viz: That w^tuer we might upō selfe respect chuse, yet wee are free in adherence & compliance wth his highnes & our godly natiue Cuntrymen to be remoued to any place whether the lord our god shall call where we may but carry on Chs worke under our handes & provide necessary Comforts for us and ours. The Captaine saith my lord wished him to Consider further of the matter & come to him againe, when (I hope) he will bethink himselfe of an answer that may shut up no doore of providence towards us, wthout first acquainting us y^t so the positieue answer may imediatly proceed frō our selues, ffor the p'sent I pceiue the cuntry doe most desire to keep themselues in y^e most waiting posture w^{ch} may suit any further discouery of gods minde & will concerning them, whatsoever, or whersoever, onely attending the p'sent duty of the day or yeare, w^{ch} frame cannot chuse but be somew^t detrimenting to settlem^t here, if so should proue to be our way after all, yet for my pt I think if many had knockt in lesser stakes into the Rocky sandy pts of this wilderness, it might better haue suited a wildernes state, in its infancy esp^{ly}." ³

¹ Waters' Genealogical Gleanings in England, i. 247; N. E. Hist. and Gen. Reg., lv. 213-216.

² Waters, *op. cit.*, 246.

³ *Ibid.*, 246, 247.

That Leete had serious thoughts of leaving Guilford, to better his fortunes, is plain from other expressions in this letter, though it is plain also that he did not care to have his intentions generally known to his fellow colonists.

He closes it with an affectionate remembrance to "deare Mr^s Disbrow," but his next news from England was probably that of her death, which occurred this year.¹ This was followed, in 1655, by Mr. Desborough's second marriage to Mrs. Rose Pennoyer, owner of the manor of Tharfield, Herts, and of considerable other landed property.²

A year later, Desborough himself became a large landed proprietor by the purchase of a country-seat in Cambridgeshire, and in 1660 he was one of the first to avail himself of the general pardon offered by Charles II. by the Declaration of Breda.³

The death of his first wife broke the main link which bound him to the Higginson family, and although Cromwell, after the seizure of Jamaica, would have been glad to draw settlers there from New England, we hear nothing more of any endeavors on the part of Desborough to promote the interests of his friends in Guilford in that direction.

Affairs in the Colony of Connecticut became clouded about this time by a serious controversy in the Hartford church. Beginning early in 1656, it continued until 1659, and resulted in the removal of several of the leading families to found the town of Hadley, Massachusetts. Mr. Stone, the teacher of the church, had become unpopular. His resignation was tendered, and though not formally accepted, a minority of the church, headed by Ozias Goodwin, contended that it virtually had been, and if not, ought to be. Mr. Higginson endeavored at the outset to persuade those most actively engaged in the dispute not to make it a public matter by calling an ecclesiastical council, but rather to adopt what he terms a "private and brotherly way of healing." A Council was however called in June, 1656. Mr. Stone was ill-content with the result of it, which advised, under certain conditions, the dismissal of the dissatisfied members to other churches. Failing

¹ Dict. of Nat. Biogr., title "Samuel Desborough."

² Waters' Gen. Glean. in England, i. 253, 503.

³ *Ibid.*, 249.

to obtain this, they applied for admission to the church of Wethersfield, and in the following winter the Guilford church, among others, was appealed to for advice by all parties concerned. The dissenters sent down the grounds of their withdrawal. Mr. Stone sent down his answers. The Wethersfield church asked if the seceders should be received.

Mr. Higginson's conduct in this matter will illustrate the masterful way in which the New England minister of that day was apt to rule his people. In this respect he belonged to the school of Mr. Stone, who defined Congregationalism as "a speaking aristocracy in the face of a silent democracy."¹ He did not read any of these communications to his church, although each was addressed to it, but wrote back his own opinion at considerable length. It was strongly adverse to the position taken by Mr. Stone and the majority of the Hartford church. The controversy, he said, had been submitted to a Council. It had made a definitive sentence. They had not submitted to it, "yet it was their duty to yield and give place to that sentence, without any further disputation; so as in silence to suffer vnder their judgm^t, as the will of God concerning them; being contented to be accounted guilty of such offences as the Counsell had judged, rather to cause any further disturbance, leauing their case with God."²

These emphatic and well-chosen words are a fair example of Mr. Higginson's literary style. It was plain, forcible, and direct. Dr. Rufus W. Griswold has said that he was "incomparably the best writer, native or foreign, who lived in America during the first hundred years of her colonization."³ I think this commendation is overstrained. Mr. Higginson's own father, to mention no others, seems to me to have surpassed him in the power of effective statement. But unquestionably he does compare very favorably with most of his clerical contemporaries. There is less obtrusion of pedantry, less harshness of expression, more clearness of arrangement, a better choice of words. Occasionally he writes a sentence that lingers in the memory and brings his thought before you with the same distinctness with which a painting may speak that of the artist.

When, for example, in his old age, he writes to one of his

¹ Mather, *Magnalia*, i. 395.

² Conn. Hist. Soc. Coll., ii. 94.

³ Allibone's Dict., title "John Higginson."

sons who had grown rich in the service of the East India Company,¹ to ask him to give some assistance to his elder brother, Major John Higginson, who had met with losses in trade, after stating what these losses were, he adds: "and yet he is a Major and a Justice of the Peace, and the shew of public occasions lies much upon him."²

As an indication of his pulpit manner, this passage may be cited from "Our Saviour's Dying Legacy of Peace,"³ published in 1686:—

"Death in its nature is the same to all, but not in its end and use; for to the Saints the Commission of death is changed; to the wicked it is, Take him, Jailor, carry him down to Hell, but to the Godly it is, Take him, Porter, and give him entrance into Heaven."

Another instance of his simple but pointed style may be given from the records of the church at Salem Village. In 1687 it was divided on the question of calling Rev. Deodat Lawson as its pastor, and all differences were referred for settlement to the elders of the parent church and three laymen. In the award, which I assume to have been from Higginson's pen, one of the closing passages is this:—

"Finally, we think peace cheap, if it may be procured by complying with the aforementioned particulars, which are few, fair, and easy; and that they will hardly pass for lovers of peace, truth, ministry, and order, in the day of the Lord, that shall so lean to their own understanding and will that they shall refuse such easy methods for the obtaining of them. And, if peace and agreement amongst you be once comfortably obtained, we advise you with all convenient speed to go on with your intended ordination; and so we shall follow our advice with our prayers. But, if our advice be rejected, we wish you better, and hearts to follow it; and only add, if you will unreasonably trouble yourselves, we pray you not any further to trouble us."⁴

The opinion of Mr. Higginson in regard to the church controversy at Hartford, so unfavorable to his old instructor in theology, Mr. Stone, apparently caused no break in their personal relations, for the will of the latter, who died in 1663, contains this provision:—

¹ See Bernard C. Steiner's "Two New England Rulers of Madras," *South Atlantic Quarterly*, July, 1902.

² *Mass. Hist. Soc. Coll.*, 3d series, vii. 199.

³ P. 129.

⁴ Upham, *Salem Witchcraft*, i. 272.

"And farther itt is my desire that such of my manuscripts as shall be judged fitt to be printed my Reverend Friend, M^r John Higginson pastor of the church of X^t at Salem may haue the peruseall of them, and fit them for the press, especially my catechisme."¹

Mr. Higginson seems to have prepared Mr. Stone's "Body of Divinity" for publication, but not to have succeeded in finding a publisher.² A manuscript copy, apparently begun in 1695 and finished in 1697, is in the library of this Society. It is furnished with an index, and ready for the printer's hands. Probably it is a copy or a copy of a copy of what Mr. Higginson edited for the press, thirty years before.

In 1657 the Commissioners of the United Colonies of New England voted that it was desirable to collect materials for a general history of all the plantations. The General Court of New Haven responded, in May of that year, by requesting Rev. John Davenport of New Haven, Rev. John Higginson of Guilford, and Rev. Abraham Pierson of Branford "to gather vp the most remarkeable passages of Gods prouidenc w^h hath bine obseruable in these parts since their first beginings, w^h may be a help toward the compyling of a history of the gracious prouidences of God to New-England, w^h the comission^rs desire may be attended to."³

It was indeed full time to begin to write the history of New Haven Colony, for it had but seven years more to live. Before its extinction, Higginson had removed to Salem, and shortly after it Davenport went to Boston, and Pierson to Newark. The work commended to them was never done.

I know to-day of but one living link that binds the little Colony in actual continuity of existence to our times. It is a fund in the hands of Harvard University, left by the will of William Pennoyer of London, in 1670. He owned an estate in Norfolk, then let for £44 a year, and disposed of it thus:

"My will is that out of the rents and profits thereof ten pounds per annum shall be paid forever to the Corporation for Propagation of the Gospel in New England and that with the residu^e thereof two Fellows and two scholars forever shall be educated, maintained and brought

¹ Walker, Hist. of First Church in Hartford, 447. The catechism was published in 1684, but no other of his MSS. were ever printed, though Mather speaks very highly of one. *Magnalia*, i. 391. *Conn. Col. Rec.* i. 413.

² Cotton Mather's Funeral Sermon at Salem, January 10, 1708, p. 38.

³ N. H. Col. Rec., ii. 217.

up in the college called Cambridge College in New England, of which I desire one of them, so often as occasion shall present, may be of the line or posterity of the said Robert Pennoyer, if they be capable of it, and the other of the colony now or late called 'Newhaven' Colony, if conveniently may be. And I declare my mind to be that eight years or thereabouts is a convenient time for education of each scholar respectively, and about that standing others to be taken in their places, which nevertheless as to time I leave to the Master and Governors of the said College."¹

Efforts were made in 1658 to get Pierson and Higginson to enter the missionary field, for which their attainments in the Indian languages particularly fitted them. Governor Endicott endeavored to induce the latter to go to Martha's Vineyard for this purpose, but without success, and as he wrote to the Commissioners, without much hope of it.² Meanwhile the condition of things at Guilford had continued to decline. His salary had fallen into arrears,³ and he felt that the time had come when he must leave the place.

His transfer to Salem was not of his own planning.

He had set sail from Boston for England with all his family early in 1659. A storm beat the ship back upon the coast, and she ran into Salem harbor. Thirty years before, his father had brought him there, a lad of thirteen. Now he was bringing there his own son, of the same age and the same name. The coincidence was to run still farther, for he was at once invited to preach in the old pulpit, and preached so well that he was asked to supply it for a year. The pastor, Rev. Edward Norris, was in declining health and died in December. In the following spring a call was extended to Mr. Higginson to become his successor, at a salary of £160 a year, "if he shall Continue to cary on the whole worke of the mistry, and so longe as the towne shall be able so to doe."⁴

This was double what he had been receiving at Guilford,⁵

¹ Waters, *Genealogical Gleanings in England*, i. 505.

² Felt, *Ecclesiastical Hist. of New England*, ii. 51, 201. Governor Mayhew, of Martha's Vineyard, wrote in 1658 to Governor John Winthrop, Jr., in regard to this.

³ £14 was due him when he left Guilford, and a special tax to liquidate it was voted by the town, January 3, 1659-60. Guilford MSS. Records, A, 179.

⁴ Transactions of the Essex Inst., v. 271, 272.

⁵ Steiner, *Hist. of Menunkatuck*, 74.

and the town also voted to build a parsonage. As to this, however, some of the leading men made a much better arrangement for him. To use their own words, —

“Considering his present lowe Condicon and great family, it was thought meet rather to goe by way of voluntary Contribution for the buildinge of a dwellinge house for him to be giuen to him and his foreuer.”

This accordingly was soon accomplished.¹

Mr. Higginson accepted the call March 9, 1660.² On his part, the appointment by the church of a layman as a Ruling Elder was requested. There had never been one in the little Guilford church,³ but here he thought one needed, “the place being great, the people many, and y^e work like to be much, especially in such times as these.” I ask it, he wrote them, “for myself. I know my own weakness many ways and that I shall have need of the freedom of my spirit and command of my time that I may in some measure fulfill the work of the ministry, unto which I am called of God by yourselves.”⁴ John Brown was accordingly elected, and both were ordained on the same day by the imposition of hands by three members of the church deputed for the purpose.⁵

The Massachusetts clergy then acknowledged more fully than those of Connecticut the necessity of having a ruling elder for every church. Rev. Thomas Welde, of Roxbury, writing a few years earlier, in his “Brief Narration of the Practices of the Churches in New England” (London, 1645, p. 4), says that each of them is, by the blessing of the Lord, properly equipped for its work if and only “if the minde and judgement of his Saints be well informed and instructed in what they ought to know, believe and do (which is the work and office of the Teacher), and if the conscience be convinced, the will bowed to holy obedience, the affections rectified and set upon their object (which is the office and work of the Pastor), if the life and conversation be well ordered also (which is the proper imployment of the ruling Elder,) and if

¹ Trans. Essex Inst., v. 273.

² Felt, Hist. of Salem, ii. 582.

³ Steiner, Hist. of Menunkatuck, 40; Mass. Hist. Soc. Coll., 1st series, x. 91.

⁴ Trans. Essex Inst., viii. 33; White, New England Congregationalism, 45.

⁵ Dexter, Congregationalism as seen in its Literature, 572, note; White, New England Congregationalism, 46.

all things be beautifully ordered and governed in the House of God in all the administration hereof (which is the joynt work of them all together).”

It has been stated by one authority¹ that the voyage to England was undertaken for the purpose of settling the estate of his mother, who had recently died, and by another,² that it was to pay a visit to his father-in-law. His mother, however, as has been seen, had died twenty years previously, and Mr. Whitfield was now also dead. The nuncupative will of the latter, declared in September, 1657, and admitted to probate in January following, was probably the main moving cause. By this he gave all his goods to his widow, “to bee disposed of by her to and amongst my children as shee shall see cause.”³

Mrs. Higginson would naturally be desirous of getting her full share, and her appearance in England with her little family of boys and girls would be a most convincing argument in her favor. An invitation to return had been received from some one, Cotton Mather tells us,⁴ and Mrs. Whitfield was the person most likely to have given it.

The ties which bound them to Guilford had been greatly weakened.

It offered no advantages of education for their children, nor, as yet, did any town in the Colony. The Hopkins Grammar School at New Haven was not opened until the following year.

Of his brothers, Theophilus, who had been the mainstay of the family at New Haven, had died several years before;⁵ Francis had returned to England and was a parish minister at Kirkby Stephen in Westmoreland; and Samuel commanded an English man of war.⁶ Thomas Chatfield, who had married his sister Ann, had left Guilford for Long Island.⁷ Jacob Sheaffe had removed to Boston in 1643, where, dying in 1659, he left an estate of over £8000, a colossal fortune for those days.

¹ T. W. Higginson, *Life of Francis Higginson*, 142.

² Ruggles, *Hist. of Guilford*; *Mass. Hist. Soc. Coll.*, 1st series, x. 93.

³ Waters, *Gen. Glean.*, ii. 1351.

⁴ *Funeral Sermon of January 10, 1708*, p. 41.

⁵ Waters, *Gen. Glean.*, i. 199; ii. 1081.

⁶ *Essex Inst. Hist. Coll.*, v. 33.

⁷ Smith, *Hist. of Guilford*, 26.

If John Higginson could hope for any preferment in England from the influence of family or friends, there was no time to lose in seeking it. The Lord Protector had died in September, 1658, and Richard Cromwell's hold on the succession was plainly a feeble one. General Desborough was of the Privy Council, which had proclaimed his accession, and had not as yet begun openly, at least, to scheme to set him aside in favor of a free commonwealth.¹ If Richard remained in power, he might be well disposed towards those coming back from New England. Should he fall, and the Stuarts return, there would be small hope for them, and least of all for those from a colony which had given shelter to regicides.

The two men of means and position in England, outside of his family connections, whom he had been in a position to know best, and from whom he would have had reason to expect some patronage, Colonel George Fenwick and Governor Edward Hopkins, had died a few months before Mr. Whitfield.² As for his relations there by blood or marriage, he had seen but few of them, and he could expect little from those to whom he did not make himself personally known. There was every reason for his leaving Guilford when he did, if he hoped to be able to give his children a sound education, and help them to attain the position in life to which their birth gave them a rightful claim.

Mr. Higginson's removal to Massachusetts was at the period when the agitation against the Quakers was at its height. During the preceding year the Colony which he left had passed a statute to keep out of its territory any belonging to that "cursed set of hereticks lately risen up in the world," and all "Quakers bookes, papers or writeings concerning their divellish oppinions,"³ and the Colony to which he came had gone still farther, not only providing for their banishment, but making it a capital offence for one banished to return.

There were a number of Quakers at Salem. One of them was present at Mr. Higginson's ordination, and startled the assembly by crying out, "What you are going about to set up

¹ Whitelock's Memorials, 335, 342. Richard was already inclined to doubt his fidelity, but no whisper as to such a suspicion could have reached New England. Pepys's Diary, i., entry of January 17, 1659-60.

² Waters, Gen. Glean., i. 42, 64.

³ N. H. Col. Rec., ii. 239.

our God is pulling down." He was sent to jail for it,¹ and this was the beginning of a long series of unhappy differences between Mr. Higginson and this sect of religionists. In the summer of the next year Mrs. Nicholas Phelps, a Quakeress, was fined for saying that "Mr. Higginson sent abroad his wolves and bloodhounds among the sheep and lambs."² In 1669 another of the sect, Thomas Maule, was sentenced to be whipped, for affirming that "Mr. Higginson preached lies and that his instruction was the doctrine of the devil."³

A letter has been repeatedly published in periodicals, and even in books,⁴ purporting to have been written to Mr. Higginson by Cotton Mather under date of September 15, 1682. In this it is stated that the General Court of Massachusetts had given secret orders to waylay the "Welcome," in which William Penn had set sail for Philadelphia, and capture him and his company, with a view of selling them as slaves at Barbadoes. As this was the year when the Colony was trembling for its charter, one of the reasons for attacking which was its laws against the Quakers, and had sent agents to London to plead its cause before the Privy Council,⁵ the adoption of such a secret order, were there no other reason, would have been simply impossible. I refer to this clumsy forgery only as the smoke of a real fire.⁶ New England did treat the Quakers, whatever provocation they may have given, most harshly, and John Higginson must bear his share—a full share—of the reproach. It may, however, be set to his credit that in 1660 he and his ruling elder, Mr. Brown, united in a petition to the County Court for a suspension of the prosecutions against fourteen Quaker women.⁷

¹ Hutchinson, *Hist. of Mass. Bay*, i. 203, ed. 1768.

² Felt, *Eccl. Hist. of New England*, ii. 280.

³ Wheatland, *Hist. of Essex County*, 364.

⁴ Levering, *History of the Levering Family*, 68; E. D. Neill, *English Colonization of America*, 307; the *Easton (Penn.) Argus* of April 28, 1870, and the *New York Learner and Teacher*. It was stated by the "Argus" to have been found by a mythical personage, Mr. Judkins, described as the Librarian of this Society. By the "Learner and Teacher" it was said to be taken from a copy preserved in the archives of the Quakers in Rhode Island. Mr. Clarence S. Brigham, the Librarian of the Rhode Island Historical Society, to whom I am indebted for some of the above references, and Hon. Wm. B. Weedon, of Providence, have kindly inquired into this, and find no trace of such a document.

⁵ Palfrey, *Hist. of New England*, iii. 350, 368, 369.

⁶ It is also mentioned in *Mass. Hist. Soc. Proc.* for 1869-70, xi. 328, 329.

⁷ Felt, *Eccles. Hist. of New Eng.*, ii. 217.

Mr. Higginson's acceptance of his call to Salem was given in the closing days of the Commonwealth. They were visibly closing, and with them the door of return to England was shut to him. A few months later (December 21, 1660), after the restoration had been accomplished, the General Court summoned ten of the principal elders of the Colony to Boston to consult as to the proper form of an address to the new King. Mr. Higginson was one of them. Their counsel spoke the temper of the times. The gist of it was this: "That all due acknowledgment is to be made of the King's Majesty in that high and sovereign place or most rightful throne is meet and necessary, yet how high the congratulations should be, considering things present and the sequels thereof (to God only knowne) we cannot apprehend."¹

In June, 1662, Mr. Higginson gave the Artillery Election sermon,² and in 1663 (May 27) reached the culminating point of a colonial minister's career by the delivery of the annual Election sermon before the authorities of the Colony. It was on "The Cause of God and his People in New England," and was followed in July by a letter to the General Court, expounding its doctrines more fully. There was a strong political cast to it, and the current questions of the day were not forgotten.³ One of them was as to the regulation of suffrage. In respect to this he was for venturing on no doubtful experiments, and summed up his views concisely thus: "As in the matter of Religion we are to Keep to the Word of God, so in the matter of civil government keep to the Patent."

Religion, he insisted, was the moving cause of the settlement of New England. They had not been wholly unsuccessful in attaining what they sought; yet, said he, "I conceive our cause is not barely a Reformation, but a Progressive Reformation; To go on unto Perfection. A conceit of having already attained a Perfect Reformation should be far from us."

Nearly sixty years later, these honest words were rightly thought worthy of republication in "Elijah's Mantle," which gave "A Faithful Testimony to the Cause and Work of God in the Churches of New England and the Great End and

¹ Felt, *Eccles. Hist. of New Eng.*, ii. 232, 233.

² Felt, *Hist. of Salem*, ii. 584.

³ Felt, *Eccl. Hist. of New Eng.*, ii. 303, 306.

Intent of these Plantations, Dropt and Left by Four Servants of God," namely, Jonathan Mitchel,¹ John Higginson, William Stoughton, and Increase Mather.

This was the first Election sermon ever printed in Massachusetts, having been immediately put to press, although a year later an earlier one, delivered in 1661, was published.²

At the same session of the General Court he was made one of a committee of thirteen elders to draft an answer to a letter which had been received from the King.³

From this time on, he held for more than forty years an unquestioned place among the leaders of the Massachusetts clergy. The generation of the fathers had begun to pass away. In 1669 he wrote to an English correspondent that there were then in New England eighty-one ministers educated there, and but thirty-one who had been educated in England.⁴ Among those in his own Colony, Randolph reported to the home government, in 1673, that he was one of the three who were the most popular.⁵

In April, 1668, he was one of six ministers appointed by the Governor and Council to conduct the two days' public disputation resulting in the conviction of Thomas Goole and others, who had adopted the Anabaptist doctrine.⁶ Their excommunication followed; the ministers founding their recommendation of this penalty on Deuteronomy xvii. 8, 12. This passage lays down the rule that controversies of difficulty should be referred to "the priests the Levites, and unto the judge," whose decision must be implicitly obeyed: "And the man that will do presumptuously, and will not hearken unto the priest that standeth to minister there before the Lord thy God, or unto the judge, even that man shall die: and thou shalt put away the evil from Israel."

In 1672 (May 15) fourteen elders were summoned to advise the General Court as to some measures of legislative and judicial reform, for which there had been a popular agitation.

¹ Mr. Mitchel's part in this work grew out of a paper prepared by him to assist Mr. Higginson in composing his election sermon. Catalogue of the Brinley Library, i. 135.

² Proc. Am. Antiq. Soc., N. S., ii. 177; N. E. Hist. and Gen. Reg., xix, 160; Cotton Mather's Funeral Sermon of January 10, 1708, p. 36.

³ Rec. of Mass., iv. 74.

⁴ Felt, Eccl. Hist. of New Eng., ii. 433.

⁵ New Eng. Hist. and Gen. Reg., xxxviii. 380.

⁶ *Ibid.*, xxxiv. 298.

He was one of them, and the changes which they recommended were well considered and important. One was a reference to the ordinary courts of many matters which up to that time had been kept within the exclusive jurisdiction of the General Court.¹

During this year a minister from Virginia, Rev. Charles Nicholet, came to Salem, whose preaching was so attractive to many of Mr. Higginson's congregation that he was engaged as his assistant. Misunderstandings soon sprang up between them. The assistant seemed not unlikely and not indisposed to displace the pastor. The pastor thought the assistant's theology unsound. At last matters were brought to an issue by a town-meeting vote to call Mr. Nicholet regularly to the pulpit. This was a radical departure from the canons of Congregationalism, which require a call to the pastorate to emanate in the first instance always from the church as such. The controversy thickened and soon got into the General Court. There, in 1675 (June 10), a compromise report² was adopted that both the pastor, Mr. Higginson, and Mr. Nicholet should carry on the "worke of public preaching" jointly, "as before."³

The result was the retirement of Mr. Nicholet, who left Salem in 1676.

Six years later Mr. Higginson asked for a colleague, and Rev. Nicholas Noyes was called and ordained a "teacher," — the last to occupy that position in Salem,⁴ — with whom he maintained the friendliest relations during the rest of his long life.

A portrait of Mr. Higginson, which hangs in the State House of Massachusetts, dated in 1677, when he was sixty-one, shows that he was then very gray. The face has nothing spiritual or saintly in it. The look is shrewd and penetrating. Perhaps it is to this characteristic that John Dunton referred, when, in 1686, he describes him, in his journal, as one "whose very presence and face puts vice out of countenance." He

¹ Collection of Original Papers, etc. of Mass. Bay, 436.

² See Mr. Higginson's "Apology" addressed to the investigating committee. Mass. Hist. Soc. Coll., 4th series, viii. 269.

³ Rec. of Mass., v. 67.

⁴ Osgood and Batchelder, Sketch of Salem, 82.

adds that he was a vigorous old man, preaching every Sunday, and that "his conversation is a glimpse of Heaven."¹ He continued to maintain his part (and the leading part) in the services of the pulpit, as well as to give the weekly lecture, throughout the century.²

Soon after his settlement at Salem he began to exert his influence in favor of the position that all those baptized during infancy, in any church, thus became, in a sense, members of it. His church adopted his views, and a few years later he led them a step further to adhesion to the principle of the "half way covenant."³

It was at this period of his ministry that he prepared for their use a little tract on admission to church membership, the tone and purpose of which are indicated by an extract prefixed to it from the preface to the Savoy Confession of 1658, stating that a confession of faith "is in no way to be made use of as an imposition upon any; whatever is of force or constraint in matters of this nature causeth them to degenerate from the *name* and *nature* of confession, and turns them from being *confessions* of faith into *exactions* and *impositions* of faith."

Church and State were now beginning to draw apart, and each was coming to feel that it stood stronger by itself. An ill-considered statute was passed in 1677 for the better observance of the Sabbath day. It provided *inter alia* that all laws on this subject should be read in the churches twice a year, in March and September. One of these was that offenders against them might be put in a cage and exhibited in the market-place. Another made it a finable offence to omit attending public worship on Sunday, or to attend that of the Quakers. For the first year Mr. Higginson read these Sunday laws to his congregation, as was required. After that he ceased to do so, and started a movement on the part of the ministers which resulted in the repeal of the new statute in 1679.

In a letter to Cotton Mather on this subject, written in 1678 (September 30), he tells him that he had omitted reading the law in his church for a year, because he thought doing

¹ Mass. Hist. Soc. Coll., 1st series, ii. 118.

² *Ibid.*, 3d series, vii. 200, 206.

³ Walker, *Creeds and Platforms of Congregationalism*, 113, 114.

so tended to lessen the influence of a minister, on account of the civil penalties which the statute prescribed.¹

He was among the ministers at whose request a synod at Boston was called by the General Court, in 1679, to consider the necessity of a Reformation in New England. Its principal work was the adoption of a general confession of faith. The committee which prepared it was composed of ten, of whom Mr. Higginson was one. It was substantially a reaffirmance of the Savoy Confession.²

As time went on, Mr. Higginson naturally ranked himself, more and more, among the conservatives. He was for a larger authority in the pulpit, and a stricter adherence to the ancient forms. The formation of the Brattle Square Church in Boston, and the call of Dr. Colman, who had been ordained at London, to its pastorate, he looked upon as revolutionary, and expressed his opinion in a letter of reproof which he addressed to it in 1699 and in which his colleague joined.³

Two years later, in 1701, he united with Rev. William Hubbard in publishing their "Testimony to the Order of the Gospel in the Churches of New England; Left in the Hands of the Churches by the two most Aged Ministers of the Gospel yet surviving in the Country." It was an earnest plea for standing by the ancient ways, reinforced by personal reminiscences of the fathers, as they were seen by both the writers at the Cambridge Synod of 1648.

From the witchcraft prosecutions he held aloof. So far as he appears in connection with them, it is as a witness for the defence.⁴ His own daughter, indeed, Mrs. Anna Dolliver, was one of those accused, and this may well have made him more cautious than he might otherwise have been.

The sermon of Mr. Lawson, preached at Salem Village in March, 1692, which originally precipitated the prosecutions, was printed at the time, with a dedication to three of the magistrates, "together with the reverend Mr. John Higginson pastor and Mr. Nicholas Noyes teacher of the Church of Christ at Salem," but it did not bear the indorsement of either of

¹ Felt, *Eccl. Hist. of New Eng.*, ii. 511; *Mass. Hist. Soc. Coll.*, 4th series, viii. 279.

² Walker, *op. cit.*, 419, 421.

³ *Ibid.*, 467, 477.

⁴ Upham, *Salem Witchcraft*, ii. 193, 194.

them. Mr. Noyes, however, sympathized with its spirit and took his full share in all that followed. His colleague did not.

Five years later, when Rev. John Hale, of Beverly, was preparing for publication his "Modest Inquiry into the Nature of Witchcraft," Mr. Higginson contributed to it a "Prefatory Epistle," in which he suggested (p. 3) that "there is a Question yet unresolved, whether some of the Laws, Customs, and Principles used by the judges and juries in Trials of witches in England (which were followed as Patterns here) were not insufficient and unsafe."

Although Mr. Higginson wrote nothing himself of a distinctively historical nature, his name is connected with important work by others in that field. In 1669 (March 26) he joined with Rev. Thomas Thacher, of Boston, in a prefatory recommendation of Morton's New England's Memorial as a trustworthy book. His attestation to the "Magnalia," in 1697, has already been mentioned. It was the third of Cotton Mather's many publications to which he contributed a preface.¹

He did not escape the common fate of those holding long pastorates, — not only occasional differences in the church, but embarrassments in the ecclesiastical society. The town was at first this society, but as it came to spread over more territory, it was gradually divided into several parishes. In 1668 it was voted to pay him his salary in country produce instead of cash. He would have preferred to compromise for £120 in hard money, but in 1673 it was £160 in produce and forty cords of wood. The salary on which Mr. Noyes was settled in 1682, as teacher of the church, was just half as much.²

The French and Indian war, towards the close of the seventeenth century, bore hardly upon Salem and its commercial interests. In 1686 the town began to let Mr. Higginson's salary fall into arrears, and in a few years the balance due him ran up to nearly £500. A settlement on the basis of an annuity was arranged, but some letters from him and his son published in the third series of the Collections of this Society show that in his later years he was, if not in straitened cir-

¹ The others were the "Winter Meditations" (October 5, 1693) and "The Everlasting Gospel" (1700).

² Felt, Hist. of Salem, ii. 619.

cumstances, at least in a position which gave him little power to render such assistance as he would have liked to his children and grandchildren.¹

His reading was not so much confined to theology as that of many of his clerical contemporaries. He was as ignorant as they, no doubt, of Shakespeare, whose plays hardly became part of English literature before the close of the seventeenth century, but he was at least interested in travels and had a scholarly acquaintance with the geography of the world.² A letter to Cotton Mather has been preserved written by a younger brother in 1688, from Salem, where he was on a visit, in which he says that Mr. Higginson was anxious to borrow from his library, which had already become a large one, Knox's History of Ceylon and Tavernier's Travels, then a recent publication, adding "he will read them only when he is weary of studying."³

He gave according to his means in aid of the higher education in New England. When Harvard Hall was planned, he contributed £5 towards it, and in 1677 this and £20 from Edmund Batter, one of his parishioners, were the only subscriptions from Salem, although by 1680 they had increased to a total of £160.⁴

His long stretch of life, reaching back so nearly to the first beginnings of New England, gave him every year more and more a unique position. Whoever went to Salem — John Dunton on his travels; Judge Sewall as he came to hold court; Sir Edmund Andros on his return from the Indian war of 1689⁵ — was sure to wish to see Mr. Higginson. On one of his visits to him, in 1697, Judge Sewall was presented by the old man, under an injunction that it should not be printed during his lifetime, with a treatise he had written against periwigs, which were then in growing fashion.⁶ He practised in this respect as he preached. Though quite bald, Mr. Noyes's elegy tells us that he

¹ Mass. Hist. Soc. Coll., 3d series, viii. 198, 206.

² Cotton Mather attests this in his Funeral Sermon, p. 35.

³ Mass. Hist. Soc. Coll., 4th series, viii. 673.

⁴ N. E. Hist. and Gen. Reg., xxxv. 361; Felt, Hist. of Salem, i. 435.

⁵ Felt, Hist. of Salem, ii. 542.

⁶ Mass. Hist. Soc. Coll., 5th series, v. 464.

“For rich array cared not a fig
And wore Elisha’s periwig.”

If any question arose as to events in the early days of New England, he became, as he grew older, the first authority to whom to appeal.¹ In the rough rhyme again of Mr. Noyes, he

“was a Living History
And New England Chronology.”²

Allusion has been made to an interview with him sought by Governor Andros. It took place in March, 1688–9, when Andros was urging the paramount title of the Crown in New England, and in the presence of his little cabinet, including the Attorney-General. He asked Mr. Higginson directly, whether all the lands in New England were not the king’s, and insisted upon an answer, saying that he wanted his opinion not as a lawyer, but as a minister. “No,” replied the old man; “they are lands, not of the king, but of the king’s subjects.”

“I told them,” he said in an affidavit made a few months later (December 24, 1689), that “I had heard it was a standing principle in law and reason, *nil dat qui non habet*, and from thence I propounded this argument, he that hath no right can give no right to another; but the king had no right to the lands of *America* before the English came hither, therefore he could give no right to them. I told them I knew not of any that could be pleaded but from a Popish principle, that christians have a right to the lands of heathen, upon which the Pope as the head of the christians had given the *West Indies* to the King of *Spain*, but this was disowned by all protestants.”

This sturdy denial of his claims angered the Governor, who replied with indignation, “Either you are subjects or you are rebels.”³

Mr. Higginson was one of those who looked with disfavor on the institution of slavery. Judge Sewall, who took a lead-

¹ See, for instance, letter of Rev. Samuel Whiting to Increase Mather, of October, 1677, N. E. Hist. and Gen. Reg., ii. 198, and letters of Mr. Higginson to Increase Mather, of August 22, 1682, and August 17, 1683, in Mass. Hist. Soc. Coll., 4th series, viii. 282, 285.

² N. E. Hist. and Gen. Reg., vii. 237.

³ Revolution in New England Justified, Force, Coll. of Hist. Tracts, iv. 18–20.

ing part in the first "abolition" movement in New England, soon after publishing his tract of that subject called "The Selling of Joseph," wrote (April 13, 1706) to him thus:—

"Amidst the Frowns & hard Words I have met with for y^s Undertaking, it is no small refreshment to me y^t I have y^e Learned Revd & Aged Mr Higginson for my Abetter. By y^e interposition of y^s Brest Work I hope to carry on & manage y^s Enterprize with Safety and Success."¹

This friendly letter was no doubt written partly to cheer up the old man, who was now beginning visibly to decline in mind as well as body. He had reached the age of ninety, and though we have the word of his colleague that till his death, two years later (December, 1708), he had a

"comely face
Adorned with majesty and grace,"²

Cotton Mather, in his funeral eulogy, frankly states that the curtains of his mind were sometimes drawn.³

On the first of May, 1708, he wrote a paper which he entitled "My last words to my children," containing advice as to their manner of life, which has been printed in recent years, though hardly worthy of it.⁴

A few months later, on December 9, 1708, he passed quietly away. His colleague, Mr. Noyes, who had watched tenderly over his dying bed, in one of the best couplets of the elegy from which some quotations have already been made, says of this ending of a long life:—

"My Pastor, Pattern, Friend and Guide
And Father, all together died."

It speaks well for both men that twenty years of association in that most difficult relation of colleague pastors could close with such expressions of esteem.

Let Mr. Noyes also be the one to sum up Mr. Higginson's leading characteristics in the ministry:—

"With Parts and Learning furnisht well,
For Gifts and Grace he bore the Bell."⁵

¹ Steiner, *Hist. of Menunkatuck*, 76; *Proc. Mass. Hist. Soc.*, 1871-73, 364.

² *N. E. Hist. and Gen. Reg.*, vii. 237.

³ *Ibid.*, xix. 160.

⁴ *Essex Inst. Coll.*, ii. 97.

⁵ *N. E. Hist. and Gen. Reg.*, vii. 237.

His learning was not profound; his natural abilities were not pre-eminent; but he was endowed with the power to make the most of them, and with the faculty of impressing men, which comes from sincerity, warmth, and decision, backed by an earnest piety. It was in what the language of that day called "gifts and grace," rather than in mental power or acquired learning, that he attained a position which, confirmed by great age reached in health and vigor, made him a marked man among his ministerial brethren.

The following is believed to be a complete statement of his modest bibliography:—

1663. The Cause of God and his People in New England as it was Stated and Discussed in a Sermon Preached before the Honorable General Court of the Massachusetts Colony on the 27 day of May, 1663. Being the day of Election at Boston. pp. (4) 24. Cambridge, 1663.

1665. A Direction for a Publick Profession in the Church Assembly after private Examination by the Elders, Which Direction is taken out of the Scripture, and points unto the Faith and Covenant contained in the Scripture. &c. 6 pp. No imprint, but no doubt printed by Samuel Green, Cambridge, 1665.¹

1669. Address (with Rev. Thomas Thacher) to the Reader (2 pp.) prefixed to Morton's New England's Memoriall. Boston, 1669.

1678. "Epistle to the Reader," dated July 20, 1678, prefixed to Rev. Thomas Allen's "Invitation to Thirsty Sinners to come unto their Saviour." 1678.

1686. Our Dying Saviour's Legacy of Peace to his Disciples in a Troublesome World, with a Discourse on the duty of Christians to be witnesses unto Christ, unto which is added some Help to Self Examination (pp. 205), with a prefatory dedication (7 pp.) "To the Church and People of God at Salem, also at Guilford and Say Brook," dated August 6, 1686. Boston, 1686.

1693. Preface to the "Winter Meditations" of Cotton Mather (12 pp.). Boston, 1693.

1698. Epistle Dedicatory to the Earl of Bellomont (8 pp.), prefixed to the Election Sermon of Rev. Nicholas Noyes on New England's Duty and Interest to be an Habitation of Justice and a Mountain of Holiness. Boston, 1698.

1700. One of three Addresses "To the Reader" (9 pp.) prefixed to "The Everlasting Gospel. The Gospel of Justification by the Righteousness of God, As 't is Held and Practic'd in the Churches of New England." By Cotton Mather. Boston, 1700.

¹ See Proc. Mass. Hist. Soc., 2d series, ix. 423.

1700. "An Attestation" with seven other ministers (2 pp.) to "The Young Man's claim unto the Sacrament of the Lord's Supper" by "Rev. Mr. John Quick," and other treatises published with it; one being "A Defence of Evangelical Churches" by Increase and Cotton Mather. Boston, 1700.

1701. (With Rev. William Hubbard). A Testimony to the Order of the Gospel In the Churches of New England (pp. 15). Boston, 1701.

1702. "An Attestation to this Church History of New England" (6 pp.) prefixed to the "Magnalia Christi Americana" of Cotton Mather. London, 1702.

1702. Preface dated "March 23, 1697-8, *aet.* 82," (6 pp.) to Rev. John Hale's "A Modest Enquiry into the Nature of Witchcraft, and How Persons Guilty of the Crime may be convicted, and the means used for their Discovery Discussed, both Negatively and Affirmatively according to Scripture and Experience." Boston, 1702.

Mr. JOHN NOBLE read the following paper: —

A Glance at Suicide as dealt with in the Colony and in the Province of the Massachusetts Bay.

Among the early Court Files of Suffolk is a paper, brought to light the other day, an original warrant issued by Judge Sewall in 1707, for the burial of a self-murderer.

Aside from any interest in the old paper itself as such, it somehow started some questionings, more or less desultory, springing out of it.

The warrant is venerable looking, but well preserved, written out carefully by the judge's own hand, every essential clearly and concisely set out with precision, bearing a seal, probably his own private seal, but with the impression too faint for clear deciphering, and runs as follows: —

MASSACHUSETTS

SUFFOLK SS.

SEAL.

To the Constables of Boston, or any of them —

Whereas Abraham Harris late of Boston white-washer of the Age of Discretion is found this day before Ephraim Savage Gent one of Her Majesties Coroners for this County of Suffolk by a Jury of good & Lawfull Men of the said Boston in the County of Suffolke to have feloniously and willfully Murthered himself, by Hanging himself with a Neckcloth — Contrary to the Peace of Our Sovereign Lady the Queen — As a Warning to others to beware of the like damnable

Practices, the said Abraham Harris is denied Christian Burial — being Felo de se.

These are therefore in Her Majesties Name to Command you forthwith to Cause the Body of the said Abraham Harris to be buried upon Boston Neck near the High-way, leading to Roxbury over-against the Gallows, and to Cause a Cart-Load of Stones to be laid upon the Grave of the said Harris as a Brand of Infamy — Hereof you are not to fail as you will answer the Contrary at your peril. Given under my Hand & Seal in Boston this Six and Twentieth day of April 1707. Annoqe Regni Añæ Reginæ Angliæ &c Sexto

SAMUEL SEWALL, J.

At the foot is a subsequent memorandum, addressed to the Treasurer: —

Boston, March 6, 1707/8

SIR, — The sixteen Shillings on the other side was necessarily expended for Her Maj^{ty} Service; and there being no estate, is a proper County Charge, which pray pay to Constable Jonathan Loring, that Officers may not be discouraged in attending y^r Duty.

Sir, your humble Serv^t

S. SEWALL. J.

To JEREMIAH DUÑER Esq^r Treasu^r of ye County of Suffolke.

On its back is the return of the Constable in the vernacular and in Latin, in combination, with an equal disregard of the niceties of either tongue: —

idem diem wth in mentioned I Jonaⁿ Loring exircuted y^e wth in warrant & have disbursed as follows —, Viz,

for cart & carting per m ^r Roberson	ll ^s — 3 — “
for labour done per six men }	“ — 9 — “
att 1 ^s — 6 ^d per man is }	
For money lay'd out in drink	“ — 1 — “
	£ “ — 13 — “

thus per me Jonathan Loring Cons ^{bl} & to w th w th is due	
to me for serving s ^d warrant & tendance upon y ^e business is	“ — 3 — “
summ totall is	£ “ — 16 — “

Endorsed m^r Loring for y^e Sessions in April

1708 26. Allowed ^s13

15 : 9 :
 15 : 5
 16 : 04 : 5

15 . 10 .
 15 . 6
 16 . 5 . 6

These last figures appear to be a memorandum unconnected with this case.

Judge Sewall makes no mention of the occurrence in his Diary, and nothing further appears touching the matter except the record in the Court of Sessions of the order for the payment of the constable's bill, after it had been duly considered by the august and well-known magistrates, who sat in that tribunal, with some questionable items eliminated, but apparently the charge of one shilling for drink being held legitimate and legal. The ground on which the approval of the bill is put by the Judge savors a little of worldly policy.

SUFFOLK SS

Anno RR^{ae} Annae nunc Angliae &c Septmo —

At an Adjournment of a Court of General Sessions of the Peace, holden at Boston for and within this County of Suffolk on the last Monday of April being the Twenty Sixth day of the said Month Annoq Domini 1708.

Her Maj^{ties} Justices present are as followeth

Elisha Hutchinson	} Esq ^{ts}	Thomas Brattle	} Esq ^{te}
John Foster		Paul Dudley	
Penn Townsend		Thomas Palmer	
Jer Dummer		Edward Lyde	
Edw ^d Bromfield		William Clark	

Ordered That Thirteen Shillings be paid out of the County Treasury to Jonathan Loring one of the Constables for the Town of Boston for the year 1707 for his Charge in Burying the Body of Abraham Harris late of Boston White Washer who on the Twentyeth day of April 1707 Feloniously and Wilfully Murthered himself; the s^d Loring being Comanded by a Warrant from M^r Justice Sewall to cause the Body of the said Harris to be buried.¹

It was but an insignificant episode in the life of the old town of Boston. A poor whitewasher had killed himself, the inquest had been held, Mr. Justice Sewall of the high court of last resort had issued his warrant, the ignominious burial had been had, Constable Loring had collected his modest fee, and that was all of it. He slept peacefully in convenient proximity to the gallows, with a cart-load of stones piled upon his grave; spared the English barbarity of the impaling stake and the trampling of feet on busy cross-roads, but under the

¹ Records of the Court of General Sessions of the Peace, beginning July, 1702, ending July, 1712, p. 173.

“brand of infamy” none the less, careless whether posterity applied his own art to his name, or left it to oblivion, to live, as it turned out, only in the lines of an old burial warrant.

But the sight of the old warrant set one to thinking how opinion, practice, and law stood as regards suicide at that time in Massachusetts, as well as to the changes since; — how far the ideas of that early time were native and original, how far borrowed and whence and why; — how far racial characteristics came in, — prevailing theological notions and religious doctrines, — earlier influences of philosophical systems, — considerations of public policy, and local conditions, — and more generally, as to different views of the status of the individual as regards himself, morally, socially, and politically, under different codes and in different peoples.

Such questions naturally come up at once. But time and space, and, above all, patience forbid any attempt here to follow out with any fulness or thoroughness such lines of inquiry; but possibly there may be a chance for a few scattered considerations in certain directions.

The law under which the warrant was issued had been standing near half a century. It was enacted “Att the Second Sessions of the Generall Court, held at Boston, the 16th of Octob^r, 1660,”¹ and it stands thus in the edition of 1672 of the Colonial laws, varying in the two places in minor details of spelling, &c.

SELF-MURTHUR

This Court considering how far Satan doth prevail upon several persons within this jurisdiction, to make away themselves, judgeth that God calls them to bear testimony against such wicked and unnatural practises, that others may be deterred therefrom; —

Do therefore Order, that from henceforth, if any person Inhabitant or Stranger, shall at any time be found by any Jury to lay violent hands on themselves, or be wilfully guilty of their own Death, every such person shall be denied the priviledge of being Buried in the Common Burying place of Christians, but shall be Buried in some Common High-way where the Selectmen of the Town where such person did inhabit shall appoint, and a Cart-load of Stones laid upon the Grave as a Brand of Infamy, and as a warning to others to beware of the like Damnable practises. [1660].²

¹ Mass. Col. Records, vol. iv. part i. p. 432.

² The Colonial Laws of Massachusetts, reprinted from the edition of 1672, W. H. Whitmore's ed., p. 137.

This law, like all others that concern the offence, was evidently based upon the English law, and to a certain extent was a re-enactment of it, but it differs from it in several striking points. It looks at the offence from a characteristically different point of view; the underlying ground is different; the offender is regarded more as a man than as a subject; the act of self-murder is treated alike as a crime, but the consequences of it and the punishment are unlike. The law of 1660 has a Puritanic cast; there is a theological flavor about it. It sees, as was so often the case, the hand of Satan, as the prime instigator, behind the deed of the offender; the State is called upon by the Almighty "to bear testimony against such wicked and damnable practices" more prominently than to claim its rights and assert its authority as the Sovereign. This way of holding Satan to account and throwing upon him the direct responsibility for evils, moral, physical, and of so many sorts, seems to have been with our forefathers a leading article in their religious belief and in some of their civil regulations. Perhaps it came by inheritance, and survived or flourished stronger in the transplanting beyond the sea; perhaps it gained new strength in the development of a theocratic government, and in falling back upon its sources of law and religion; perhaps it was fostered by the new surroundings, the precarious situation on the frontier, shut in between the estranging ocean and the gloom of the encompassing forests with their dreaded occupants; perhaps the bareness and austerity of their situation, the severity of their creed, and the grimness of their character all intensified the prevailing superstitions of the times.

It was, moreover, independently and not inconsistently, a convenient method of explaining mysterious phenomena, of taking ground where argument was at disadvantage, and it made a good foundation for needed repressive measures and laws. And it gave withal a sort of dignity and moral authority to their situation, that they had to deal with the powers of darkness, and above all with the all-powerful author of all evil himself.

In the punishment prescribed, or, more strictly speaking, in the consequences affixed to the deed, the law mitigates the revolting barbarity of the English law, and devises ignominies of its own. The offence is alike regarded as "*malum in se*"

and a felony. But the offender is more a sinner than a criminal; he leaves no burden of loss of goods or estate to fall upon his hapless heirs and next of kin, as a consequence of his unlawful act; there is no forfeiture or escheat.

The fundamental idea of the American law now, as then, on this point is the preservation of the civil rights of the individual, — the protection, under the law of the land, of every man's life not only as against the unlawful acts of strangers, but equally as against the unlawful acts of himself.

The ignoring and abandonment of feudal notions, no less elsewhere than here, has been the unvarying policy of Massachusetts. It exacts no forfeiture either of goods or lands in any case, and the principle is as old as the Colony.

In the Body of Liberties, 1641, the 10th article sets forth: — "All our lands and heritages shall be free from all fines and licences upon Alienations, and from all harriotts, wardships, liveries, Primer-seisins, yeare day and wast, Escheats and forfeitures, upon the deaths of parents or Ancestors, be they naturall, casuall or juditiall"; to which later codes inserted the word "unnatural," and added "and that forever." The principle has been extended to the case of goods and chattels.

The law of 1660, though fallen into disuse, continued in force for more than a century and a half, till its express repeal by the Act of 1824, February 21.¹

By the repeal of the law, however, suicide did not cease to be unlawful and criminal. The crime was not created as such by the law of 1660.

A curious question may come up, though, adverted to in a Massachusetts case, whether it is at the present time technically a felony, since the Statute of 1852, Ch. 37, re-enacted in the General Statutes, ch. 168, and now in the Revised Laws, ch. 215, § 1, which makes "any crime punishable by death or imprisonment in the state prison" "a felony," and enacts that "no other crime shall be so considered," — a question curious rather than important.

There are several cases in the Massachusetts Reports which deal with different phases of the general subject. Bowen's case, 13 Mass. 353, holds one counselling another to the act, who, by reason of that advice and in the presence of the

¹ Laws of Mass., vol. ix., 1822-25, ch. cxliii. p. 403.

adviser, kills himself, to be guilty of murder ; — reaffirmed by a later case in 1862.

While in England an attempt to commit suicide is punishable as a misdemeanor, it is left in Massachusetts without punishment and is not indictable,¹ — a natural result of the peculiar situation here under the statute law as it stands, as there can be no bodily punishment possible for a suicide, seeing the gallows and the prison have no terrors or retribution for a dead man. In *Commonwealth v. Mink*, 123 Mass. 422, in 1877, where one who, in attempting to kill himself, accidentally killed another trying to prevent his act, was held guilty of criminal homicide, Chief Justice Gray, in giving the opinion of the court, incidentally touches upon the subject of self-murder, and with his usual exhaustive thoroughness and wealth of authorities. There is a slight slip in citing the old English law and attributing to it a forfeiture of lands, which curiously escaped his usually absolute accuracy and the scrutiny of his associates.

How the coroner was to deal with a case of suicide, and how the offence stood under the law of the Province at the time this warrant was issued, appears in the Province Laws, 1700-1,² with full details and the prescribed conclusion: "If it appears to be Selfe-murder, the inquisition must conclude after this manner; viz.,—And so the jurors aforesaid say upon their oaths, that the said A. B. in manner and form aforesaid, then and there voluntarily and feloniously, as a felon, of himselfe did kill and murder himselfe, against the peace of our Sovereign lord the king, his crown and dignity." Near a century later the State Statute of 1783 substantially re-enacts the old statute, changing the *contra pacem* clause, and shows the law to be still the same.

The Colonists brought with them of course the Common law of England as it then stood, and all those legal ideas and habits which they had been bred up in as Englishmen. But they did not hesitate to modify and adapt these to their situation and new conditions, keeping within the limits imposed, and having also a primal source of law beside in the Word of God as interpreted by themselves.

As regards self-murder a difference in English law in certain

¹ *Commonwealth v. Dennis*, 105 Mass. R. 162.

² Ch. 3, § 6, Goodell's ed., vol. i. p. 429.

respects, in its basis and in its application, has been already adverted to. These differences, in all their essentials, come out sharply in the mere statement and citation of the English law.

Hale's Pleas of the Crown, vol. i. p. 411, defines the crime : —

“ *Felo de se* or suicide is where a man of the age of discretion and *compos mentis*, voluntarily kills himself.”

And the grounds on which it rests as a crime : —

“ No man hath the absolute interest of himself, but

1. God Almighty hath an interest and propriety in him, and therefore self murder is a sin against God.

2. The king hath an interest in him, and therefore the inquisition in case of self murder is *felonice & voluntarie seipsum interfecit & murderavit contra pacem domini regis.*”

And as to the legal consequences : —

“ Touching the forfeiture of *Felo de se*. He doth not forfeit his lands nor his wife's dower. But he doth forfeit his goods and chattels.”

The Encyclopædia of the Laws of England (vol. xii. p. 18) sums up the forfeiture and the prescribed mode of burial : —

“ His goods and chattels, but not his lands, were forfeited to the Crown.”¹

“ The Corpse was, under the coroner's warrant, buried at midnight in a high way, (usually at cross-roads,) with a stake through it, and without Christian rites.”

The practice of such burial fell into disuse in England, as in Massachusetts, long before any legal repeal ; and almost coincident with the repeal of the old Colonial law of Massachusetts, the mode of burial was changed in England, in 1823, by St. 4 Geo. IV. ch. 52 : —

“ It shall not be lawful for any Coroner, or other officer having authority to hold inquests, to issue any warrant or other process directing the interment, . . . in any public highway ; but that coroner or other officer shall give directions for the private interment of the remains of such person, *felo de se*, without any stake being driven through the body of such person, in the Church yard or other burial ground of the parish . . . such interment to be made within twenty four hours from

¹ 3 Co. Inst. 541.

the finding of the inquisition, and to take place between the hours of nine and twelve at night,"

with a proviso not to authorize the performance of any of the rites of Christian burial.

The old forfeitures were abolished in 1870.¹

As to the origin of them, it is said in Pollock and Maitland's "History of English Law," "the practice of exacting a forfeiture of goods in every case in which a sane man put an end to his own life was one that grew up gradually" (vol. ii. p. 488); and Bracton is cited to that effect.

Some have considered the practice to date back to the Danes, and to have been borrowed from them.

In 1882² the mode of burial prescribed in the time of George IV. was changed, allowing the burial to be in cemeteries or churchyards with the usual rites, if the clergyman pleased to perform them.

While the Rubric of the Established Church would seem not to sanction the use of the ordinary Anglican burial service, and this seems to be the case under the St. of 1882, a special service apparently may be employed under St. 43 & 44 Vict. c. 41, § 13.

So English and American law are in respect to suicide alike substantially to-day. Suicide is a crime, but of necessity a crime not punishable upon the offender, and with no forfeiture or punitive consequences visited upon his surviving kinsfolk; with no ignominy to be inflicted by law upon his senseless body; — a crime deprecated, but the criminal left to the charitable or other judgment of his fellows and the world.

It would be too serious, and above all too tedious, a matter to trace out with any fulness an inquiry as to the regard in which the act of self-murder was held among different peoples and in different philosophies, and the bearing, if any, remote or otherwise, on the views of the Massachusetts Bay. There is room only for a hint and an inference, here and there, upon the possible operation of such through early education and previous training.

The Brahmins naturally admired it as honorable on particular occasions, and as a mark of mental weakness to submit to the infirmities of age, with so obvious and ready a remedy at hand. Greek laws regarded it a crime and treated it with

¹ St. 33 and 34 Vict. c. 23, § 1.

² St. 45 and 46 Vict. c. 19.

ignominy. The Athenian laws ordained that the offending hand should be cut off, and burnt apart from the body, which deprived of the usual burial solemnities was to be flung into a pit. It was forbidden by the Theban laws. It was condemned by Pythagoras, Socrates, — who perforce in the end submitted to it, — by Aristotle, Plato, and other Greek philosophers.

In the early days of Rome the act seems to have been rare, barring some noted instances, some of which were heroic ; while it prevailed during the decline of the Empire. It seems always to have been held venial under the law. It was to a certain degree countenanced by public opinion. It was upheld and even put as sometimes a duty by Seneca and Epicetetus and others of that school ; while reprehended by Cicero, and many philosophers, moralists, and eminent men. Under the influence of the Epicurean and Stoic philosophies, with some slight inconsistency, perhaps, in case of the former, it became not unfrequent, and was sometimes commended or extolled by the latter.

It must have been not uncommon among the Scandinavians, and figures in Norse legends.

In philosophies as in peoples, generalizations have been attempted. Different systems have been arrayed as holding different opinions ; and philosophers in all times and everywhere have argued, and moralists have discussed the question of self-slaughter. In the end, however, their conclusions seem to rest upon precisely the same, or at least like foundations, — the difference in result being merely a difference in the stress and weight laid upon certain elements. And again certain inconsistencies between doctrines and determinations in particular cases are easily reconcilable and explainable. While all, almost without question, reach a definite conclusion as to the abstract morality of the act taken in itself, their decision in specific instances seems to depend on the occasion, the exigency, or the motive. The explanation is obvious — there has been a confusion of terms. Self-sacrifice is confounded with self-murder, two matters entirely independent and distinct.

Whatever the judgment on the latter, however apology, palliation, justification, or possibly even commendation may be urged, the abstract act cannot lose its character, — while honor,

patriotism, modesty, self-respect, conscience, heroism, and religion even may in exigencies come in to justify or even to consecrate and glorify the former, — and the world has ratified the judgment.

When the Puritans came to legislate as they seem to have found themselves forced to do, they had no concern as citizens or magistrates in any speculative questions. They had only to deal with the practical matter before them. As God-fearing men they had to bear testimony against certain damnable, wicked, and unnatural practices springing up among them and apparently on the increase; to thwart the machinations of Satan, to keep up the standard of Puritan morality, and preserve the good order and well-being of their community; and hence the law of 1660. They had no need to go back to Plato for the idea of an ignominious burial for the offender; they had precedents nearer at hand.

Ecclesiastical law decreed in the sixth century that no commemoration should be made for such as destroyed themselves, nor their bodies carried out to burial with psalms, nor the usual service read; and this held up to the time of the Reformation.

These principles of the church seem to have been at the bottom of the English law as embodied in the Statutes, and also in the law reproduced here. The Colony found nothing of origin or of suggestion in the Mosaic law, even though it may have believed with Shakespeare that the Everlasting had "fix'd his canon 'gainst self-slaughter."

In modern times racial temperament seems to have led to frequent instances of the act, and again the same cause to have made it rare in some races. Montaigne puts it rather loosely when, in pointing a moral, he attributes to all religions a belief in it at some time in their history: "that other so ancient one, of thinking to gratifie the Gods and Nature by self-murder; an opinion once universally received in all religions, and to this day retained in some."

Buckle looks at the matter philosophically, as only a natural and constant phenomenon, not to be prevented by laws, and almost reducible to a fixed ratio: "Suicide is merely the product of the general condition of society; and the individual felon only carries into effect what is a necessary consequence of preceding circumstances. In a given state of

society a certain number of persons must put an end to their own existence."

Statistics have been curiously compiled, in order to explain the phenomenon, or to interpret it, as to the frequency of occurrence in different nations, — in different localities, in different states of the American Union, in different cities therein; of the percentage in different occupations and professions, at different ages, and in the sexes. But most seem unsafe and of doubtful value. The sources, the methods, the conditions, the accuracy are alike unknown. All depends on how the statistics are taken, and statistics judiciously handled can be made to show anything. So again as to favorite modes of death; medical explanations of inherent and physical causes; suggestions of sporadic outbreaks and epidemics; moral theories of operative influences and conditions.

After all, however, it seems to come back to about where Buckle leaves it, and we cannot get much beyond his conclusion.

There was no intention in this paper to let the sermon run so far away from the text. Perhaps a "plea of confession and avoidance" ought to be put in: first, for the taking of so sombre a subject; second, for the treatment of it. As to the former, it may be pleaded, that Judge Sewall unwittingly but no less provokingly gave the occasion. As to the latter, that attempted brevity is apt to turn out unmitigated dryness; and further that, however wide the straying from the original intention, the statement at the outset, that the considerations started by the old manuscript would be more or less desultory, has been fully justified.

Rev. Henry F. Jenks, in behalf of Mr. GRENVILLE H. NORCROSS, who was out of the State, read the following paper: —

At the last meeting the President read an account of a journey to New York made by John Quincy Adams in 1789. In connection with this, the following letter written by Mr. Adams in 1803 while on the way to Washington to take his seat in the Senate of the United States may be interesting. Mr. Adams was elected Senator in February, 1803, to fill the vacancy caused by the death of Jeremiah Mason. The pub-

lished Diary contains no entries from April, 1803, until October 21st, when he took his seat in the Senate.

Frankfort mentioned in the letter must be Frankford, then a suburb of Philadelphia on the northerly side and now included within the city limits.

NEWARK 12. October 1803.
Wednesday.

MY DEAR BROTHER. — We have been detained here since Sunday the 9th inst^t by the severe illness of my wife — We think however to go on this day, as far as Elizabeth-town, and to proceed by easy Stages tomorrow as far as Princeton, and the next day, (God willing) to Frankfort, where we hope to find you — If you can procure for us in that place, or on the other side of the City, towards Baltimore, convenient lodgings in a private house, my wife will be more quiet and have a better prospect of rest than at an open Inn — And I should be glad of an opportunity to stop and give her a good day's rest — But I presume this will not easily be obtained, as the neighbourhood of Philadelphia must doubtless be as much crowded as that of New York — To meet you therefore at Frankfort is all I can flatter myself with — And if you cannot do better, engage us two chambers with two beds in each, at the best public House in Frankfort, for Friday Night.

Your's ever.

J. Q. ADAMS.

T. B ADAMS Esq^r.

(Addressed) Thomas B. Adams Esq^r Philadelphia

I have also another letter written by Mr. Adams thirty-four years later, at the very end of the second session of the twenty-fourth Congress. The speeches referred to in it were made in the course of the famous debate upon the admission of a petition purporting to be signed by slaves.

There is a gap in the Diary during January and February of this year.

LEWIS TAPPAN Esq^r New. York.

H. R. U. S. WASHINGTON 27. Feby 1837

DEAR SIR, — I have received your two Letters and with the former the small pamphlet, forwarded with it — I believe a pamphlet publication of the debates and proceedings of the House of Representatives upon the subject of Petitions relating to Slaves and Slavery, during the present Session of Congress, would be useful — But it is impossible for me to devote the time necessary for the compilation.

The fullest Report of my address to the House on the 9th inst^t in my own defence, which was taken, will be shortly published in the National Advocate published at Boston — But my Speech on Saturday

the 11th upon the substituted Resolutions offered by Mr Ingersoll and Mr Taylor, has not been reported at all — My conduct in the House, was at first dictated by a sense of strict and indispensable duty to my own immediate Constituents, Petitioners to Congress, and who had committed their Petitions to my charge — It was upon these Petitions that the question of reception was twice forced upon the House by the members from the South — It has been made a heavy charge against me, that I persisted in presenting these Petitions, when I knew they were unwelcome to the house. I have not volunteered one hair's breadth beyond the line of my duties in moving any question upon this subject; but having experienced already no small misrepresentations, I have addressed to the Petitioners, and other Inhabitants of my District, two Letters which will be followed by others containing a statement of my own conduct and of the proceedings of the House and published in the Quincy Patriot, a weekly newspaper recently established in the town of my residence. If any portion of these Letters should be thought suitable for republication in the proposed pamphlet it will be at the service of the publishers.

This was the last day assigned for the presentation of Petitions. I had one hundred and eighty one Petitions, Memorials and remonstrances to present — The house by a vote of more than two thirds resolved to supersede the reception of Petitions, and to take up other subjects for consideration

I am very respectfully Dear Sir, your obed^t Serv^t

JOHN QUINCY ADAMS

In the absence of Mr. SOLOMON LINCOLN, Mr. Charles C. Smith communicated the memoir of the late Judge Lincoln F. Brigham, which Mr. Lincoln was appointed to prepare for the Proceedings.

Remarks were also made during the meeting by the PRESIDENT and by Messrs. T. JEFFERSON COOLIDGE, WILLIAM EVERETT, and EDWARD E. HALE.

A new serial of the Proceedings, containing the record of the June and October meetings, was ready for delivery at this meeting.



Engd by A.H. Fitchie

Lucius T. Brien

MEMOIR
OF
LINCOLN FLAGG BRIGHAM, LL.D.

BY SOLOMON LINCOLN.

LINCOLN FLAGG BRIGHAM, the son of Lincoln and Lucy (Forbes) Brigham, was born in Cambridge, Massachusetts, October 4, 1819. He was fitted for college in the public schools and entered Dartmouth College, receiving his first degree in 1842 and that of Master of Arts in 1844. His legal education was begun in the Harvard Law School, from which he received the degree of Bachelor of Laws in 1844, the course of study then occupying but two years. Subsequently he studied in New Bedford in the offices of H. G. O. Colby and of John H. Clifford, afterwards Governor of the Commonwealth. He was admitted to the bar in Bristol County in 1845, and at once became a partner with Mr. Clifford in the firm of Clifford & Brigham, a copartnership name very familiar to Bristol County and indeed to the Commonwealth. This partnership continued until Mr. Clifford was elected Governor in 1853.

Mr. Brigham was soon after appointed District Attorney for the Southeastern District embracing the four southeastern counties of the Commonwealth. This office he held by successive elections until 1859. In that year the Superior Court was established, superseding the Court of Common Pleas and the Superior Court for the County of Suffolk. As originally constituted, the Superior Court consisted of a Chief Justice and nine Associates, and Mr. Brigham was appointed one of the Associate Justices. He remained ten years an Associate, and upon the promotion of the Hon. Seth Ames, then Chief Justice of the Superior Court, to be a Justice of the Supreme Judicial Court, Judge Brigham was appointed in 1869 Chief Justice of the Superior Court. This office he held until

October, 1890. He then resigned it and lived a retired life as a private citizen of Salem, Massachusetts, until his death, which took place at Salem February 27, 1895. He received the degree of Doctor of Laws from Dartmouth in 1884 and from Harvard in 1886. He married at New Bedford, October 20, 1847, Eliza Endicott, daughter of Thomas and Sylvia (Swain) Perry. Mrs. Brigham and four sons survived him.

Chief Justice Brigham was elected a member of this Society in 1885, but was an infrequent attendant at its meetings. It does not appear that he was especially interested in history except the local history of his profession, but he took a generous interest in all things which concern the good citizen, and so added dignity to our rolls. His life, therefore, devoid of special incident, was one of extreme devotion to his profession, exhibited chiefly in his thirty-one years of service upon the bench. His earlier professional life was spent and his legal training obtained in association with a bar which included many leaders of more than local distinction, and which yet had an individual character. In those days the larger cities, and especially Boston, did not attract and withdraw from the rest of the State men of promise and men who had acquired prominence. Coffin and Clifford and Colby, who practised in Bristol and the neighboring counties, are names yet remembered by the profession.

The qualities which Chief Justice Brigham displayed when a practising lawyer were those afterwards familiar to all the Commonwealth when he was judge, and obtained for him immediate and permanent respect. Probably no judge who ever sat upon a Massachusetts bench ever secured to a higher degree the affection of his associates, of the profession, and of suitors in his court. Not claiming to possess conspicuous learning, his legal knowledge was sufficient for the needs of his court, and it was supplemented by admirable common sense and complete knowledge of men. His patience was proverbial, and his courtesy unfailing. His conscientious industry was ceaseless. If additional work was temporarily required of any justice of his court, he was the first to undertake it. All his personal qualities were engaging. His amiable and cheerful demeanor won all hearts. His modesty led him almost to underestimate his own worth. He was twice offered promotion to the Supreme Judicial Court, and on each occa-

sion he declined the honor, believing that he could render better public service in the court to which he was accustomed. He was a man of considerable humor, and loved especially to recall those experiences in the court room which do something to enliven the sober proceedings of our courts.

He easily maintained the dignity of the judge as he sat upon the bench, and no one could safely presume upon any infringement of propriety, notwithstanding his mild bearing. His eye was keen for fraud and dishonest practices, and he visited them with immediate displeasure.

His sense of personal integrity was stern and delicate. A single incident completely illustrates this characteristic. An elderly lady of New Bedford, of whose husband's will he had been an executor, during her long widowhood had continued to look to him for assistance and advice even after he went upon the bench. After her death her will, of which he was executor and which he supposed to be in his possession, could not be found. It disposed of property of more than thirty thousand dollars in value. For nearly three months a continuous search for it was made,—at the bank in Salem, where he supposed he had deposited it; at his house; at his summer home in Mt. Desert; and in all the clerks' offices where he had held court since he received it—but without success. Upon the approach of the time when the will should be presented for probate, and when it was necessary for him to act, he voluntarily announced his determination to have one of the legal heirs appointed administrator to distribute the estate as intestate, and remembering, as he thought, the provisions of the will, to pay the legacies for which it provided out of his own means. Fortunately, a few days before the sitting of the Probate Court, the will was found by accident in the possession of a savings bank where it had been placed for safe keeping by an agent of his to whom he had temporarily entrusted it,—a fact which neither the Judge nor his agent recalled. The payment of the sum required to carry out his determination would have taken a large part of the property he then possessed, and seriously crippled him, but his sense of honor refused to take into account any personal sacrifice.

Judge Brigham's home was in New Bedford until 1859; in Boston from 1859 to 1866; and afterward at Salem until his death.

After his resignation from the bench he lived in comparative retirement, attended by the affectionate remembrance of his associates of the profession. After his death proceedings were had in Suffolk County before the court over which he had so long presided, and the addresses of members of the bar and the response of Chief Justice Mason testify to the singular and universal regard in which he was held.

At least three portraits of Judge Brigham are hung in public places,—one at Hanover, N. H., in the possession of Dartmouth College; one in New Bedford, in the Court House of Bristol County; and one in the room occupied by the Social Law Library in the County Court House in Boston. The latter, painted after a serious illness and under disadvantages, though answering as a memorial, hardly does justice to his gracious presence.

LIST OF DONORS TO THE LIBRARY.

- | | |
|--|---|
| <p>United States. — Board of Indian Commissioners.
 Civil Service Commission.
 Commissioner of Education.
 Department of Agriculture.
 Department of the Interior.
 Department of Labor.
 Department of Porto Rico.
 Department of State.
 Navy Department.
 Smithsonian Institution.
 Superintendent of Documents.
 Treasury Department.
 War Department.</p> <p>State of Connecticut.
 Commonwealth of Massachusetts.
 State of Rhode Island.
 City of Boston.
 City of Charleston, S. C.
 City of Chelsea.
 City of Fitchburg.
 Town of Framingham.
 Town of Medfield.
 City of Providence.
 Town of Sutton.
 Acorn Club, Hartford.
 American Academy of Arts and Sciences.
 American Antiquarian Society.
 American Colonization Society.
 American Congregational Society.
 American Geographical Society.
 American-Irish Historical Society.
 American Philosophical Society.
 Amherst College.
 Ancient and Honorable Artillery Company.
 Andover Theological Seminary.
 Atchison, Topeka & Santa Fé Railway Company.
 Benevolent Fraternity of Churches.
 Boston Athenæum.
 Boston Chamber of Commerce.
 Boston Public Library.
 Boston University.</p> | <p>Boston Young Men's Christian Association.
 Boston Young Men's Christian Union.
 Bostonian Society.
 Bowdoin College.
 British American Citizen Company.
 Brockton Public Library.
 Brooklyn Library.
 Brown University.
 Buffalo Historical Society.
 Bunker Hill Monument Association.
 Chicago Board of Trade.
 Chicago Historical Society.
 Cincinnati Public Library.
 Club of Odd Volumes.
 Colby College.
 Connecticut Historical Society.
 Connecticut State Library.
 Dartmouth College.
 Davenport Academy of Natural Sciences.
 Dedham Historical Society.
 Detroit Public Library.
 Diocese of Massachusetts.
 Enoch Pratt Free Library, Baltimore.
 Essex Institute.
 Evanston Historical Society.
 Farm School, Thompson's Island.
 Field Columbian Museum, Chicago
 Fitchburg Railroad Company.
 Forbes Library, Northampton.
 General Theological Library.
 Grand Lodge of Massachusetts.
 Harvard University.
 Haverhill Public Library.
 Historical and Philosophical Society of Ohio.
 Humane Society of Massachusetts.
 Iowa Geological Survey.
 Iowa State Historical Society.
 Ipswich Historical Society.
 John Crerar Library, Chicago.
 Johns Hopkins University.
 Kansas State Historical Society.
 Lake Mohonk Conference.</p> |
|--|---|

- Lawrence Public Library.
 Leland Stanford Junior University.
 Library Company of Philadelphia.
 Library of Congress.
 Louisiana Historical Society.
 Manchester (N. H.) Historic Association.
 Manitoba Historical and Scientific Society.
 Maryland Historical Society.
 Massachusetts Association of the New Jerusalem Church.
 Massachusetts College of Pharmacy.
 Massachusetts General Hospital.
 Massachusetts Homeopathic Medical Society.
 Massachusetts Horticultural Society.
 Massachusetts Institute of Technology.
 Massachusetts Medical Society.
 Massachusetts Society for the Prevention of Cruelty to Animals.
 Massachusetts State Library.
 Medford Historical Society.
 Mercantile Library Association, New York.
 Michigan State Library.
 Military Order of the Loyal Legion, Maine.
 Mount Auburn Cemetery.
 Mt. Vernon Ladies' Association of the Union.
 Museum of Fine Arts.
 National Board of Trade.
 National Civil Service Reform League.
 Nebraska State Historical Society.
 The Newberry Library, Chicago.
 New England Catholic Historical Society.
 New-England Historic Genealogical Society.
 New England Society of Pennsylvania.
 New Hampshire Historical Society.
 New Hampshire Press Association.
 New Hampshire State Library Commission.
 New Jersey Historical Society.
 New Jersey Home for Disabled Soldiers.
 New York Historical Society.
 New York Public Library.
 New York State Historical Association.
 Numismatic and Antiquarian Society of Philadelphia.
 Oberlin College.
 Ohio State Archæological and Historical Society.
 Oneida Historical Society.
 Peabody Historical Society.
 Peabody Institute, Baltimore.
 Peabody Museum of Archæology and Ethnology.
 Pennsylvania Historical Society.
 Perkins Institution and Massachusetts School for the Blind.
 Phillips Exeter Academy.
 Princeton University.
 Royal Society of Northern Antiquaries.
 St. Louis Public Library.
 Salem Public Library.
 Société de l'Histoire de France.
 Society of Antiquaries of London.
 Society of the Army of the Tennessee.
 Society of Colonial Wars, Ohio.
 Sons of the Revolution, California Society.
 Suffolk Institute of Archæology and Natural History, England.
 Transallegheeny Historical Society, Morgantown, West Virginia.
 Trustees of Public Reservations, Massachusetts.
 University of Colorado.
 University of Michigan.
 University of Missouri.
 Vineland Historical and Antiquarian Society.
 Virginia Historical Society.
 West Newbury Natural History Club.
 West Virginia Historical Society.
 Williams College.
 Winthrop Public Library.
 Wisconsin Historical Society.
 Woburn Public Library.
 Woman's Relief Corps.
 Worcester Society of Antiquity.
 Yale University.
 Francis Almy.
 Descendants of Hugh Amory.
 Henry Graham Ashmead.
 Leon Brooks Bacon.
 Simeon Eben Baldwin.
 Mrs. Annie Outram Bangs.
 Charles Currier Beale.
 Samuel Collins Beane.
 Alexander Graham Bell.
 Miss Mary Eddy Benjamin.
 George Sewall Boutwell.
 Douglas Brymner.
 Everett Cephas Bumpus.
 Richard McCall Cadwalader.
 H. W. Carter.
 Charles Augustus Chase.
 John Nelson Cole.
 William Ashmead Courtenay.
 Earl of Crawford.
 P. Cudmore.
 A. D. Cutler.
 Charles William Darling.
 Franklin Bowditch Dexter.
 William Patrick Drury.
 Charles W. Duane.
 Melatiah E. Dwight.
 William Crowninshield Endicott.

Charles Harding Firth.	O. E. Niles.
Mrs. Emma G. Fisher.	Mrs. Elizabeth Frothingham Parker.
Sidney George Fisher.	William Norton Parsons.
William Isaac Fletcher.	Stephen Denison Peet.
Thomas Goddard Frothingham.	Miss Louisa Nott Perkins.
Horace Charles Fuller.	John Jay Putnam.
William Francis Ganong.	Benjamin Rand.
Robert Hallowell Gardiner.	H. A. Rattermann.
Frank Augustine Gardner.	Sidney Smith Rider.
Samuel Lankton Gerould.	Mrs. Sarah Tappan Doolittle (Law-
George Augustus Goddard.	rence) Robinson.
Mrs. Jennie Johnston Bell Goodwin.	Mrs. Emma (Savage) Rogers.
Samuel Swett Green.	Joseph George Rosengarten.
William Prescott Greenlaw.	Timothy Thompson Sawyer.
Estate of David Greenough.	Mrs. Sarah Parker Shattuck.
Appleton Prentiss Clark Griffin.	John B. Shipley.
William Harden.	Miss Arma Anna Smith.
Joseph W. Hartshorn.	Joseph Warren Smith.
David Greene Haskins, Jr.	Justin Smith.
William Sanford Hills.	G. Hutchinson Smyth.
Samuel Burritt Hinsdale.	Publishers of the Somerville Journal.
Estate of John Homans, 2d.	Mrs. Horatio Stebbins.
James Hazen Hyde.	Gardiner Stewart.
James T. White Company, New York.	Miss Ellen Adelia Stone.
Robert Winder Johnson.	Frank Bartlett Thayer.
Leonard Augustus Jones.	Thomas Todd.
William Vail Kellen.	George Tolman.
Benjamin Kimball.	John Henry Turner.
James McPherson LeMoine.	Julius Herbert Tuttle.
Francis Henry Lincoln.	The University Press.
George Emery Littlefield.	George Burritt Vanderpoel.
Arthur Greene Loring.	Pasquale Villari.
William Henry Lyon.	Williston Walker.
John Bach McMaster.	Edward Reed Wheeler.
Albert Matthews.	Frank W. Whitney.
Henry Benjamin Meigs.	James Lyman Whitney.
Mrs. Daniel Merriman.	Henry Morland Williams.
Joseph Lyon Miller.	Joseph Williamson.
Clarence Bloomfield Moore.	Nathan E. Wood.
James Phinney Munroe.	Charles Woodbury.

And the following Resident Members: —

Charles Francis Adams.	Oliver Wendell Holmes.
William S. Appleton.	Henry F. Jenks.
John S. Brayton.	William Lawrence.
Daniel H. Chamberlain.	Henry Cabot Lodge.
Andrew McFarland Davis.	Henry S. Nourse.
Henry G. Denny.	Nathaniel Paine.
William Everett.	James Schouler.
Worthington C. Ford.	Edmund F. Slafter.
Samuel A. Green.	Charles C. Smith.
Edward Everett Hale.	William P. Upham.
Albert B. Hart.	Winslow Warren.
John T. Hassam.	Robert C. Winthrop, Jr.
Henry L. Higginson.	Edward J. Young.

INDEX.

A.

- Abbot, *Rev. Abiel, D.D.*, 311. Notice of, 311 *n*.
- Abbot, Benjamin, *LL.D.*, 409, 413, 438. Notice of, 409 *n*.
- Abbot, John (H. U. 1784), 304. Notice of, 304 *n*.
- Abbot, *Dr. William L.* (H. U. 1787), 407. Notice of, 407 *n*.
- Adams, Brooks, *A.B.*, 280, 412 *n*. Elected a Resident Member, 126.
- Adams, Charles (H. U. 1789), 296 *n*., 313, 338, 339, 340, 375, 376, 377, 407, 413, 452.
- Adams, *Hon. Charles Francis, LL.D.* (H. U. 1825), 292, 465, 466.
- Adams, Charles Francis, *LL.D.* (H. U. 1856) 1, 125, 126, 127, 129, 135, 146, 150, 151, 175, 232, 233, 249, 251, 284, 290, 291, 476, 477, 534. Remarks by, on the deaths of Samuel R. Gardiner, James B. Thayer, and Uriel H. Crocker, 1. Re-elected President, 147. Remarks by, on the death of George B. Chase, 233. Remarks by, on the deaths of Horace Gray and Charles G. Loring, 251. Remarks by, in communicating a diary kept at Newburyport, in 1787, 1788, by John Quincy Adams, 291.
- Adams, Henry, *LL.D.*, his Historical Essays cited, 299, 304, 337, 373.
- Adams, Herbert B., *LL.D.*, 128.
- Adams, John, *LL.D.*, *Pres. of the United States*, 293, 326, 429, 430, 432, 433, 438, 454, 461. Letter to, from J. Q. Adams, 404 *n*. Letter from, to J. Q. Adams, 410 *n*.
- Adams, *Mrs. John*, 429, 437. Letters to, from J. Q. Adams, 358, 463. Description of her residence at Richmond Hill, New York, 461 *n*.
- Adams, John Quincy, *LL.D.*, *Pres. of the United States*, 235, 291-294. Diary of, kept at Newburyport, in 1787, 1788, 295-464. His estimate of Fielding's "Tom Jones," 301. Dislikes small babies, 303. Reads Robertson's History of Charles V., 315, 317. Reads Vattel, 317, 318. Reads Rousseau's Confessions, 321. His opinion of Blackstone, 327, 328, 354, 392, 443. His opinion of the Federal Constitution, 331, 378. Reads Buffon, 345, 346. Reads Gibbon, 350, 355, 371, 397. Letter from, to his mother, 358. His opinion of the students from Dartmouth College, 361. His opinion of singing and of kissing, 363. His opinion of Miss Burney's Cecilia, 364. Cannot use his pen on account of the cold, 370. His opinion of the laws about suicide, 375. Present at the debates in the New Hampshire Convention, 386. His opinion of Coke, Wood, and Blackstone, 392. Letter from, to his father, 404 *n*. Letter to, from his father, 410 *n*. His estimate of Foster's Pleas of the Crown, 418. His opinion of Priestley's Lectures on History and General Policy, 431, 441. His opinion of Hume's History of England, 445. His account of a trip to New York, 455-462. Account of an interview with W. Amory in Europe, 459 *n*. Letter from, to his mother, 463. Letter from, to Thomas B. Adams, 533. Letter from, to Lewis Tappan, *ib*.
- Adams, Peter Boylston, 437.
- Adams, *Rev. Phineas*, 298. Notice of, 298 *n*.
- Adams, Samuel, *LL.D.*, *Gov. of Mass.*, 372, 404.
- Adams, *Dr. Samuel, Jr.*, death of, 372.
- Adams, *Mrs. Susanna Boylston*, 308.
- Adams, Thomas (H. U. 1788), 439.
- Adams, Thomas Boylston (H. U. 1789), 296, 309, 340, 375, 376, 377, 407, 413, 416, 431, 442, 451. Letter to, from J. Q. Adams, 533. Notice of, 296 *n*.
- Addington, Isaac, 24.
- Agassiz, Louis, *LL.D.*, 254, 465.

- Alexander, William, 193.
 Allen, *Rev.* Alexander V. G., *D.D.*, appointed to write the memoir of Horace E. Scudder, 19.
 Allen, *Rev.* Jonathan, 333, 403, 425, 427.
 Allen, *Mrs.* Jonathan, 334.
 Allyn, *Rev.* John, 439. Notice of, 439 *n*.
 American Philosophical Society, 186.
 Amory, Thomas C., *A. M.*, 477.
 Amory, William (H. U. 1784), 321, 322, 326, 327, 331, 334, 346, 347, 348, 369, 379, 381, 383, 387, 392, 394, 395, 396, 399, 401, 402, 447, 451, 455, 458.
 Amory, William, *A. M.* (H. U. 1823), 133, 465.
 Anderson, *Gen.* Robert, 467.
 Andrew, *Hon.* John A., *LL.D.*, *Gov.* of *Mass.*, 265.
 Andrews, *Rev.* John, 291, 295, 305, 306, 309, 310, 312, 313, 339, 410, 414, 415, 416, 423, 441, 442, 443, 445, 447, 448, 449, 450, 452, 455.
 Anonymous Fund, 133, 142.
 Appleton, *Hon.* Nathan, *LL.D.*, 130.
 Appleton, Samuel, 131.
 Appleton, *Hon.* William, 130.
 Appleton, William S., *A. M.*, 129, 150, 232. Announces the death of Joseph J. Howard, 271.
 Appleton Fund, 130, 142. Income of, 131, 141, 142.
 Ashley, William J., *A. M.*, 128.
 Atherton, *Hon.* Joshua, 386. Notice of, 386 *n*.
 Atkins, Dudley, 320 *n*.
 Atkins, Dudley, *Jr.*, 316, 319, 346, 347, 370, 373, 395, 396, 397, 404, 419, 427, 455. Notice of, 319 *n*.
 Atkins, *Mrs.* Dudley, 319, 347, 353, 368, 416, 419, 421, 425, 427, 446, 448.
 Atkins, *Miss* Rebecca, 320, 347, 446.
- B.
- Badger, *Miss* —, 409.
 Bagehot, Walter, 240.
 Bainbridge, *Commodore* William, 182, 184.
 Baldwin, *Hon.* Simeon E., *LL.D.*, paper by, on *Rev.* John Higginson of Salem, 478–521.
 Ball, Thomas, bust of Edward Everett by, 477.
 Bancroft, *Rev.* Aaron, *D.D.*, 313.
 Bancroft, *Frederic*, *LL.D.*, 128.
 Bancroft, *George*, *LL.D.*, 260.
 Bangs, *Mrs.* Edward, 232.
 Barker, *Dr.* Joshua, 313.
 Barnard, James M., *A. M.*, 145.
 Barnard, *Rev.* Thomas, 418, 421.
 Barnes, *Hon.* David L., 438.
 Barrell, *Miss* —, *Boston*, 333.
 Bartlett, Bailey, 296, 302, 333, 406. Notice of, 302 *n*.
 Bartlett, *Mrs.* Bailey, 442.
 Bartlett, Joseph (H. U. 1782), 442.
 Bartlett, William, 324. Notice of, 324 *n*.
 Bass, *Rt. Rev.* Edward, *D.D.*, 350, 360, 401. Notice of, 350 *n*.
 Bass, *Mrs.* Edward, 427.
 Bayley, Sarah, 320, 321.
 Beale, Benjamin (H. U. 1787), 437, 438. Notice of, 437 *n*.
 Beale, Charles C., gives shorthand books to the Society, 475.
 Beane, *Rev.* Samuel C., *D.D.*, 291, 292.
 Bedford, *Duke* of, 275.
 Bedford, *Mrs.* Jenny, letter from, to Benjamin Franklin, 228.
 Belcher, Andrew, Register of Probate for Suffolk County (1739–1754), account of, 58–68. Autograph of, 58.
 Belcher, *Mrs.* Andrew (Elizabeth Teale), 67 *n*, 68 *n*, 69 *n*.
 Belcher, Jonathan, *Gov.* of *Mass.*, 26 *n*, 29 *n*, 50, 58–65, 67, 68. Letter from, to William Bradford, the printer, 191.
 Belcher, *Mrs.* Jonathan (Mary L. E. Teale), 64 *n*, 67 *n*, 68.
 Belcher, Jonathan, *Jr.*, 26 *n*, 58, 59, 61–63.
 Bemis, George, *LL.B.*, 132.
 Bernard, *Sir* Francis, *Gov.* of *Mass.*, 79. Letter from, 91.
 Berry, *Dr.* —, 460.
 Beverly bridge, report in favor of, rejected by Massachusetts House of Representatives, 341. Difficulty in crossing the ferry from Salem to Beverly, 414.
 Bigelow, *Hon.* George T., *LL.D.*, 235, 236, 465.
 Bigelow, Melville M., *LL.D.*, 249. Remarks by, on the death of James B. Thayer, 148.
 Binney, Amos, *naval officer* at *Boston* in 1812, extracts from his letter book, 182 *et seq.*
 Blake, George (H. U. 1789), 408, 431, 432.
 Blodget, Caleb, 442.
 Blodget, S., 442.
 Boardman, Samuel L., 146.
 Bossange, Hector, 468.
 Boston, distressed condition of the town in 1774, 285–290.
 Boston Athenæum, 269.
 Boston Medical Library, 133.
 Boston Museum of Fine Arts, 269, 270, 271, 477.
 Boston Public Library, 146.
 Bourne, Edward G., *Ph.D.*, 128.
 Bowditch, Charles P., *A. M.*, 476.
 Bowditch, Nathaniel I., *A. M.*, 130.
 Bowdoin, James, *LL.D.*, *Gov.* of *Mass.*, 318 *n*.

- Bowman, *Dr.* Nathaniel (H. U. 1786), 407.
- Boydell, John, Register of Probate for Suffolk County (1717-1739), account of, 42-53. Autograph of, 42.
- Brackett's tavern, *Boston*, 433, 435.
- Bradbury, Francis, 334, 354, 372, 375, 381, 391, 402, 403.
- Bradbury, *Hon.* George (H. U. 1789), 362, 375, 376, 409.
- Bradbury, *Miss* Harriet, 392, 402, 420, 444.
- Bradbury, Theophilus, 323, 325, 327, 346, 367, 375, 376, 391, 403, 416, 423, 425.
- Bradbury, —, 375.
- Bradford, Gamaliel, *A.B.*, 19. Remarks by, on a phase of Historic Evolution in Massachusetts, 238.
- Bradford, William, letter to, from Jonathan Belcher, 191.
- Bradish, Ebenezer, tavern of, *Cambridge*, 432, 450.
- Brattle St. Church, *Boston*, model of, 135.
- Breck, —, 442.
- Bridge, James (H. U. 1787), 300, 433, 435, 450, 451, 452. Letter from, to J. Q. Adams, 390 *n.* Notice of, 433 *n.*
- Brigham, *Hon.* Lincoln F., *LL.D.*, memoir of, by Solomon Lincoln, 535-538. His birth and early life, 535. His death, 536. His qualities as a lawyer and a judge, *ib.* His personal integrity, 537. Portraits of, 538.
- Brooks, *Miss* Mercy, 328.
- Brown, James, 323, 324.
- Brown, John, *Providence, R. I.*, magnificence of his house, 456.
- Brown, —, 424, 444.
- Brown University (College of Rhode Island), 456.
- Bryce, *Rt. Hon.* James, *D. C. L.*, his American Commonwealth cited, 172.
- Bugge, *Professor* Sophus, paper by, on an alleged Norse inscription, 272, 273.
- Burr *Rev.* Jonathan (H. U. 1784), 304.
- 387, 390, 392, 394, 403, 416, 418, 421, 443, 448. Notice of, 319 *n.*
- Casey, *Capt.* —, 360, 387.
- Cavour, Camille Benso, *Conte di*, 469, 470.
- Cazneau, *Capt.* —, 387.
- Cazneau, *Mrs.* —, 373.
- Cazneau, *Miss* —, 352, 362, 365, 373, 397, 405.
- Chamberlain, *Hon.* Daniel H., *LL.D.*, 125, 232. Presents a paper on The Historical Conception of the United States Constitution and Union, 151. Remarks by, on the death of George B. Chase, 237. Appointed to write the memoir of Mr. Chase, 250.
- Chamberlain, *Hon.* Mellen, *LL.D.*, 235.
- Chandler, Thomas (H. U. 1787), 451. Notice of, 451 *n.*
- Channing, Edward, *Ph.D.*, 125, 166. Remarks by, on an alleged Norse inscription, 272.
- Channing, *Mr.* and *Mrs.* William, 432.
- Chase, *Miss* Ellen, 146.
- Chase, George B., *A.M.*, remarks on the death of, by the President, 233; by Charles C. Smith, 235; by D. H. Chamberlain, 237. D. H. Chamberlain appointed to write the memoir of, 250.
- Child, Caleb (H. U. 1787), 408. Notice of, 408 *n.*
- Childe, *Mrs.* —, 469.
- Circourt, Adolphe de, *Comte*, 469, 470.
- Clap, *Capt.* —, 339.
- Clarke, Edward (H. U. 1788), 313, 320, 407.
- Clarke, *Miss* Patty, 409.
- Clarke, *Misses*, — 409, 410.
- Clinton, *Hon.* George, 152, 173.
- Club of Odd Volumes, 145.
- Coates, *Miss* Elizabeth, 272, 379, 381, 382, 442.
- Cochran, *Capt.* —, 326.
- Codman, *Hon.* Charles R., *LL.B.*, 232.
- Coffin, Charles, 326, 364.
- Coffin, *Mrs.* —, 389.
- Colden, Alexander, 199, 204, 207, 217, 218, 226, 227, 229.
- Collections of the Society, new volumes of, 251. Cited, *passim*.
- Colman, Daniel, 314.
- Committees of the Society. To nominate officers, 1. To examine the Treasurer's accounts, *ib.* To examine the Library and Cabinet, *ib.* To publish the Proceedings, 151.
- Constitution of the United States, paper on the Historical Conception of the, by Daniel H. Chamberlain, 151-175. Views of its framers, 151, 152. Importance of the question as to its character, 153. Popular idea of it in 1830,

C.

155. Associated action by the Colonies, 156. Evils of the Confederacy, 158. Phraseology of the instrument, 160. Its supremacy, 161, 162. Historical evidence as to its character, 164. Discussions in the State Conventions, 165. Its ratification absolute and unreserved, 168. Nullification and Secession, 169. Summary of the argument, 171.
- Cooke, Elisha, 54.
- Coolidge, Archibald Cary, *Ph.D.* Elected a member of the Council, 148.
- Coolidge, *Hon. T. Jefferson, LL.D.*, 534. Re-elected a Vice-President, 147. Reads Some Extracts from an Autobiography, 465-474. Reminiscences of the Friday Club, 465-468. Residence in Paris, 469, 470. Visit to Spain, 471-474.
- Coombs, *Miss Jenny* (Mrs. Ebenezer Greenleaf), 422. Notice of, 422 *n.*
- Coombs, Philip, 382 *n.*
- Coombs, *Miss Polly*, 415, 422, 447.
- Coombs, *Capt. William*, 382, 393, 415, 417, 422, 447. Notice of, 382 *n.*
- Cooper, *Rev. William*, 83.
- Cooper, *William*, Register of Probate for Suffolk County (1759-1799), 83-104. Autograph of, 83.
- Coram, Thomas, 29 *n.*
- Corresponding Secretary. *See* Haynes, Henry W.
- Cotton, *Rev. John*, 77, 275.
- Cotton, *John*, Register of Probate for Suffolk County (1755-1775), 77-83. Autograph of, 77.
- Cotton, *Rev. Nathaniel*, 77.
- Cranch, *Miss Elizabeth*, 332, 413.
- Cranch, *Miss Lucy*, 410.
- Cranch, *Richard*, 296 *n.*, 339, 410, 412, 430, 431, 441.
- Cranch, *Mrs. Richard*, 306, 307, 308, 340, 410.
- Cranch, *Hon. William, LL.D.*, 306, 308, 309, 310, 312, 322, 326, 329, 330, 331, 332, 334, 340, 345, 353, 366, 368, 370, 383, 410, 411, 412, 423, 430, 436, 441, 452, 455. Notice of, 306 *n.*
- Cranfield, *Gov. Edward*, 180.
- Crapo, *Hon. William W., LL.D.*, remarks by, on Bartholomew Gosnold's voyage, 247.
- Craven, *Capt. T. A. M.*, 467.
- Crocker, *Uriel H., LL.B.*, 2, 3, 128. Death of, 1. Henry G. Denny appointed to write a memoir of, 19.
- Crook, —, 460.
- Cummings, *Rev. Edward*, 129.
- Curry, *Lieut. Ross*, 460.
- Curtis, *Hon. Benjamin R., LL.D.*, 263, 465.
- Curtis, *Louis*, 291.
- Cushing, *Rev. Caleb, Salisbury, Mass.*, 291.
- Cushing, *Hon. Thomas, LL.D.*, death of, 391.
- Cushing, *Hon. William, LL.D., Judge of the Supreme Court*, 341, 367.
- Cushman, *Hon. Joshua*, 407. Notice of, 407 *n.*
- Cutler, *Samuel*, 379, 383, 384, 393, 394, 396, 400, 401, 415, 444, 448.
- Cutts, *Charles* (H. U. 1789), 408.
- Cutts, *Miss Eliza Eppes*, 317.
- Cutts, *Miss Nancy*, 317, 421.
- Cuttyhunk, Bartholomew Gosnold's landing at, 247.

D.

- Dale, *Eben.*, 131.
- Dalton, *Miss Mary*, 297 *n.*, 421.
- Dalton, *Miss Ruth Hooper*, 388, 389, 420.
- Dalton, *Hon. Tristram*, 297, 301, 331, 379, 387, 463, 464. Notice of, 297 *n.*
- Dalton, *Misses*, 389 *n.*
- Dana, *Hon. Francis, LL.D.*, 292, 295 *n.*, 341, 343, 371, 409, 413, 414, 432, 439.
- Dana, *Mrs. Francis*, 432.
- Darwin, *Charles*, 5.
- Dashwood, *Miss —, Boston*, 370.
- Davenport, *Mrs. —*, death of, 346.
- Davenport's tavern, *Newburyport*, 394, 395.
- Davis, *Andrew McF., A.M.*, 129, 150. Re-elected a member of the Council, 148.
- Davis, *Hon. George T.*, 467.
- Dawes, *Hon. Thomas*, 306, 308, 310, 314, 341, 345, 441, 446, 455.
- Dawes, *Mrs. Thomas*, 441.
- Deane, *Charles, LL.D.*, 2, 275 *n.*
- Deblois, *Louis*, 389 *n.*, 420.
- Deblois, *Miss —*, 420, 421.
- Denny, *Henry G., A.M.*, appointed to write the memoir of Uriel H. Crocker, 19.
- De Normandie, *Rev. James, D.D.*, 129, 147. Appointed on the Committee to examine the Library and Cabinet, 1. Paper by, on Some Early Religious Matters at the Piscataqua, 175-181.
- Derby, *Miss Antstiss* (Mrs. Benjamin Pickman), 382, 389, 390, 406 *n.*
- Derby, *Elias H.*, 406 *n.*, 429.
- Derby, *Mrs. Richard*, 337, 339.
- Desborough, *Mr. and Mrs. Samuel*, 500, 501, 502.
- Dexter, *George, A.M.*, 132.
- Dexter, *Rev. Morton*, 125, 145. Appointed on the Committee to examine the Library and Cabinet, 1. Presents their report, 147.

Dicey, Albert V., *LL.D.*, elected a Corresponding Member, 126.
 Dobbyn, —, 462.
 Dodge, Daniel, 324, 325.
 Dodge, Oliver (H. U. 1788), 439.
 Dodge, —, 302.
 Dorchester, Probate records for Suffolk County removed to, 106.
 Dowse, Thomas, 131.
 Dowse Fund, 131, 142. Income of, 131, 140.
 Dreams, J. Q. Adams on, 308.
 Dudley, Joseph, *Gov. of Mass.*, 24, 28. Letter from, 32.
 Dudley, Paul, Register of Probate for Suffolk County (1702-1715), account of, 24-42. Autograph of, 24.
 Dudley, Thomas, *Gov. of Mass.*, 24, 276, 277, 278, 279, 320 n.
 Dudley, Thomas (H. C. 1685), 25 n.
 Dudleian Lecture at Harvard College, 40.
 Dummer, Jeremiah, 30 n.
 Dunbar, *Capt.* —, 460.
 Duncan, Miss Elizabeth, 336.
 Duncan, James, 332.
 Duncan, James, *Jr.*, 333, 336, 351, 406. Notice of, 332 n.
 Dupriez, —, 240.

E.

Eames, *Deacon* —, 348.
 Eaton, *Rev. Peter*, 298, 301. Notice of, 298 n.
 Edwards, *Mrs.* —, 429.
 Eld, *Lieut.-Col.* George, 234.
 Ellery, Miss Almy, (Mrs. William Stedman), 409, 457, 459.
 Ellery, Benjamin, 432.
 Ellery, *Hon.* William, 457, 459.
 Ellis, Arthur B., *LL.B.*, removal of, from the State, 477.
 Ellis, *Rev.* George E., *D.D.*, 134.
 Ellis Fund, 134, 142. Income of, 139.
 Ellis House, 134, 142.
 Elwyn, *Dr.* Alfred L., 285.
 Emerson, Ralph Waldo, *LL.D.*, 132.
 Emerson, *Rev.* William, 313.
 Emery, Miss Hannah T. (Mrs. Benjamin Abbot), 330, 368, 370, 385, 425. Notice of, 330 n.
 Emery, *Mrs.* John, 362, 368, 370, 385, 390, 405, 415, 424, 426, 427, 447, 448.
 Erastus B. Bigelow Fund, 131, 142. Income of, 131, 140, 142.
 Evarts, *Hon.* William M., *LL.D.*, 235.
 Everett, *Hon.* Edward, *LL.D.*, 454. Bust of, by Thomas Ball, 477.
 Everett, *Rev.* Oliver, 453.
 Everett, *Hon.* William, *LL.D.*, 234, 291, 534.

F.

Farnham, William, 393, 406, 415, 416, 420, 421, 425, 427, 444.
 Farnham, *Mrs.* —, 415.
 Farris, *Capt.* William, 368.
 Felton, Cornelius C., *LL.D.*, 465.
 Firth, Charles H., *LL.D.*, 8, 9, 12, 128.
 Fisher, *Mrs.* James T., gift from, 477.
 Fiske, John, *LL.D.*, 128.
 Fiske, Oliver (H. U. 1787), 384, 413. Notice of, 384 n.
 Fiske, *Rev.* Thaddeus, 412.
 Flagg, —, 460.
 Fleet, *Dr.* John, 439.
 Fletcher, *Capt.* John, 350, 381, 444.
 Fletcher, *Miss* Lucy, 370, 372, 447, 455.
 Flint, —, 351.
 Forbes, James G., 343. Notice of, 343 n.
 Forbes, *Mrs.* John, 343.
 Forbes, John Murray (H. U. 1787), 295, 308, 318, 331, 343, 344, 440. Letter from, to J. Q. Adams, 371 n. Notice of, 343 n.
 Ford, Paul Leicester, 274.
 Ford, Worthington C., 127, 129, 291. Elected a member of the Council, 148. Communicates a correspondence of James Parker with Benjamin Franklin, 186. Communicates a paper on "Moses his Judicials," 274. Elected a Corresponding Member, 477.
 Foster, Bossenger, 308, 310, 341.
 Foster, Bossenger, *Jr.* (H. U. 1787), 338, 409, 452. Notice of, 338 n.
 Fowle, Robert (H. U. 1786), 415.
 Fox, *Hon.* Gustavus V., 467.
 Franklin, Benjamin, *LL.D.*, 157, 173. Letters from James Parker to, 186-232. Agreement with Parker for carrying on the printing business, 186.
 Frazier, *Miss* Mary, 372, 454.
 Frazier, Moses, 363, 375, 415, 420, 423, 448, 450, 454, 455.
 Frazier, *Misses* —, 420, 423.
 Freeman, *Gen.* Nathaniel, 320.
 Freeman, Nathaniel (H. U. 1787), 304, 311, 365, 370. Notice of, 311 n.
 French, —, 452.
 Frothingham, *Hon.* Richard, *LL.D.*, 132.
 Froude, James A., *LL.D.*, 4, 8, 9, 12.

G.

Gainé, Hugh, 225.
 Game laws, J. Q. Adams's opinion of, 308.
 Gannett, *Rev.* Caleb, 337, 410, 432. Notice of, 410 n.

- Gardiner, John Hays, 19, 20.
 Gardiner, Samuel Rawson, *D.C.L.*, 2.
 128. Death of, 1. Tributes to, by James F. Rhodes, 3; Edward Channing, 11.
 Gardner, Henry R., 146.
 Gardner, James (H. U. 1788), 408, 439.
 General Fund, 132, 142. Income of, 138.
 George, Elijah, Register of Probate for Suffolk County, 124 n.
 Gerry, *Hon.* Elbridge, *LL.D.*, 371, 432, 433, 462.
 Gibbon, Edward, J. Q. Adams on his Decline and Fall of the Roman Empire, 350, 355, 397.
 Gibbons, Ambrose, 177.
 Gibson, *Rev.* Richard, 179.
 Gilbert, Edward H., *A.B.*, elected a Resident Member, 251.
 Gilchrist, Daniel S., 123, 124.
 Gladstone, *Rt. Hon.* William E., *D.C.L.*, 7.
 Godfrey, Edward, 177.
 Goldthwait, —, *Newport, R. I.*, 457, 458, 459.
 Goodell, Abner C., *A.M.*, 27 n.
 Gordon, Adam (H. U. 1788), 439.
 Gorges, *Sir* Ferdinando, 176, 177.
 Gosnold, *Capt.* Bartholomew, his landing at Cuttyhunk, 247-249.
 Gray, *Hon.* Francis C., *LL.D.*, 269.
 Gray, *Hon.* Horace, *LL.D.*, 129. Remarks on the death of, by the President, 251; by Solomon Lincoln, 265. Memoir of, to be written by John C. Gray, 291.
 Gray, John C., *LL.D.*, tribute to James B. Thayer, 13. Appointed to write the memoir of Horace Gray, 291.
 Gray, *Rev.* Thomas, 431.
 Green, Benjamin (H. U. 1784), 312.
 Green, John Richard, 8, 234.
 Green, *Hon.* Samuel A., *LL.D.*, 1, 129, 148, 233, 249, 251, 275 n., 290, 291, 477. Remarks by, in communicating a copy of the will of Mrs. Charlotte A. L. Sibley, 20. Submits his Annual Report as Librarian, 143. Re-elected a Vice-President, 147, and as Librarian, 148. Remarks by, on the Cardiff Giant, 474.
 Green, —, 441.
 Greenlaw, William P., 146.
 Greenleaf, *Hon.* Benjamin, 322, 349, 382, 383, 389, 390, 420, 425, 449.
 Greenleaf, *Mrs.* Benjamin, 383, 425.
 Greenleaf, *Miss* Hannah, 381.
 Greenleaf, John, 379, 415, 426, 450.
 Greenleaf, Jonathan, 417. Notice of, 417 n.
 Greenleaf, *Miss* P., 333.
 Greenleaf, *Major* —, 388.
 Greenleaf, *Misses* —, 383 n., 403, 421, 424, 425.
 Greenough, —, 422, 449.
 Gregory, —, 399.
 Griswold, *Rev.* Rufus W., his opinion of John Higginson's literary style, 503.
 Gross, Charles, *Ph.D.*, 128.
 Grosvenor, —, 407.
 Groton, *Mass.*, 335.
 Groton Public Library, 21.
 Grundmann, Otto, 145.
 Guilford, *Conn.*, church at, 493, 494, 495, 496.
- ## H.
- Hale, *Rev.* Edward E., *D.D.*, 129, 534.
 Hale, *Hon.* John P., 467, 471.
 Halifax, *N. S.*, Probate records of Suffolk County carried to, 114.
 Hall, David, 198, 201.
 Hall, *Dr.* George H., 439.
 Hamilton, *Hon.* Alexander, 152, 167, 173.
 Hancock, John, *Gov. of Mass.*, 19, 116, 367, 404, 405, 440, 448, 449, 450, 451.
 Harris, Henry, 132.
 Harris, *Rev.* Thaddeus M., *D.D.*, 413, 439. Notice of, 414 n.
 Harris, *Rev.* William, *D.D.*, 309, 311, 312.
 Harris, —, *butler at Harvard College*, 409, 413.
 Hart, Albert B., *Ph.D.*, 125.
 Hartford Convention of 1814, 168, 169.
 Harvard College, 294. Changes in the plan of studies at, 305. Exhibition at, in April, 1788, 408, 409. Exhibition at, in July, 1788, 431, 432. Commencement at, in July, 1788, 438-440. Petition of the Class of 1787 for a private Commencement, 440 n.
 Hassam, John T., *A.M.*, paper by, on the Registers of Probate for the County of Suffolk, Massachusetts, 23-125.
 Hatch, Israel, tavern kept by, *Boston*, 456.
 Haven, *Rev.* Jason, 337.
 Haven, Nathaniel A., *A.M.*, 234.
 Haverhill, *Mass.*, attack on, by the Indians, in 1708. Referred to, in J. Q. Adams's diary, *passim*.
 Hay, *Mrs.* —, 389, 393.
 Hayne, *Hon.* Isaac Y., 152, 155.
 Haynes, Henry W., *A.M.*, 1, 233, 250, 290, 291, 477. Re-elected Corresponding Secretary, 148.
 Hazen, *Miss* —, 297, 414.
 Hell Gate, Long Island Sound, 460, 461.
 Henry, Patrick, 165.
 Hichborn, —, 428.

Higginson, *Rev. Francis*, 478, 479, 480, 481, 482.
 Higginson, *Mrs. Francis*, 483, 491, 492.
 Higginson, *Henry L., LL.D.*, 128.
 Higginson, *Rev. John*, paper on, by Simeon E. Baldwin, 478-521. Birth of, 478. Admitted to the Salem Church, 481. Education of, 483, 485, 487. Admitted a Freeman, 484. A school teacher in Hartford, 490. Teacher of the church at Guilford, 495, and school teacher, 496. Chosen Pastor of the church, 498. His literary style, 503. Removes to Salem, and becomes minister of the church, 507. His relations with the Quakers, 509, 510. Preaches the Election Sermon, 511. Portrait of, 513. His relation to the witchcraft delusion, 515. His interview with Sir Edmund Andros, 518. His death, 519. Publications of, 520, 521.
 Higginson, *Thomas W., LL.D.*, 319 n.
 Hill, *Clement H., A.M.*, 235.
 Hillard, *Hon. George S., LL.D.*, 465.
 Hilliard, *Rev. Timothy*, 308, 336.
 Hilton, *Edward*, 177.
 Hingham, *Mass.*, 19, 51-54.
 Hitchcock, *Rev. Gad*, 337.
 Hoar, *Hon. Ebenezer Rockwood, LL.D.*, 133.
 Hoar, *Hon. George F., LL.D.*, 253.
 Hodge, *Capt. Michael*, 383. Notice of, 383 n.
 Hodge, *Mrs. Michael*, 425.
 Holmes, *Oliver Wendell, LL.D.* (H. U. 1829), 465.
 Holmes, *Hon. Oliver Wendell, LL.D.* (H. U. 1861), 253.
 Holt, *John*, 192, 193, 205, 206, 207, 210, 211, 212, 213, 214, 215, 216.
 Homan's tavern, *Ipswich*, 345.
 Hooker, *Rev. Thomas*, 483, 485, 487, 488, 491, 597.
 Hooper, *Benjamin*, 350, 374, 375, 380.
 Hooper, *Miss Elizabeth*, 445.
 Hooper, *Joseph*, 443, 446.
 Hooper, *Stephen*, 362, 376, 388, 416, 448.
 Hooper, *Thomas W.* (H. U. 1789), 299, 392 n, 409, 455.
 Hooper, —, 374.
 Hooper, *Mrs. —*, 350, 362, 380, 383, 384, 385, 395, 396, 397, 399, 401, 417, 421, 423, 424, 425, 427, 428, 443, 445, 452.
 Hopkinson, —, 386.
 Howard, *Joseph J., LL.D.*, death of, 271.
 Howard, *Rev. Simeon, D.D.*, 313.
 Howe, —, 336.
 Hull, *Capt. Isaac*, 182.
 Hull, *Gen. William*, 435.
 Hume, *David, J. Q. Adams's estimate of his History of England*, 445.

Hunnewell, *James*, 186 n.
 Hunnewell, *James F., A.M.*, 143, 145. Appointed on the Committee to examine the Treasurer's accounts, 1. Paper by, on the state of naval affairs in Boston in 1812, 182-186.
 Hunt, *William M., A.M.*, 265.
 Hunter, *William*, 193, 194, 207, 212, 213, 214, 219, 220.
 Hutchinson, *Mrs. Anne*, 488, 489.
 Hutchinson, *Elisha*, 285, 287.
 Hutchinson, *Foster*, Judge of Probate for Suffolk County, 112 n., 113, 114 n., 115 n.
 Hutchinson, *Thomas, Gov. of Mass.*, 78, 79, 80, 81, 108, 111, 113, 290.
 Hutchinson, —, 379, 381, 387, 389.

I.

Indians, attack on Haverhill by, 53.
 Ingersoll, *Jared*, 205.
 Insomnia, *J. Q. Adams suffers from*, 452, 453.
 Ipswich, *Mass.*, 315, 325, 345, 394, 399, 400, 402, 403, 428, 429, 447, 452.

J.

Jackson, *Charles* (H. U. 1788), 439.
 Jackson, *Jonathan*, 368, 375, 421, 424, 453, 463, 464. Notice of, 368 n.
 Jackson, *Mrs. Jonathan* (Hannah Tracy), 370, 421.
 James, *Eleazar* (H. U. 1778), 305.
 Jefferson, *Thomas, Pres. of the United States*, 241. *J. Q. Adams's estimate of the "Notes on Virginia,"* 308.
 Jenkins, *Miss Fanny*, 387, 388, 393, 422.
 Jenkins, *Lewis*, 380.
 Jenkins, *Miss Nancy*, 381, 382, 393, 415.
 Jenkins, *Miss Sally*, 365, 389, 427.
 Jenks, *Rev. Henry F.*, 145, 147, 233, 250, 291, 477, 532. Re-elected Cabinet-Keeper, 148.
 Jennison, *Timothy L., M.D.*, 305.
 Jones, *Miss Catherine*, 300, 301, 318, 331, 346, 410, 413, 444, 447.
 Jones, *Judge Leonard A.*, 251.
 Jones, *Lewis*, apprentice to James Parker, 225, 226, 227.
 Jones, —, *Boston*, 388.
 Jones, *Mrs. —*, *Boston*, 387, 388, 389.

K.

Kellogg, *Rev. Elijah*, 422.
 Kellogg, *Rev. Samuel*, 408.
 Kendal, *Rev. Samuel, D.D.*, 312.
 Kendall, *Ephraim* (H. U. 1787), 428. Notice of, 428 n.

- Kent, Benjamin, appointed to secure the return of the Probate records from Halifax to Boston, 116 *et seq.*
- Kentucky Resolutions of 1798, 168, 169.
- Kilham, *Dr.* Daniel, 317, 319, 329, 330, 331, 332, 340, 352, 354, 356, 359, 361, 362, 365, 367, 375, 385, 386, 390, 391, 395, 425, 442. Notice of, 317 *n.*
- Kimball, Jacob (H. U. 1788), 441.
- Kimball, *Rev.* True, 301, 302, 319, 447.
- King, *Hon.* Rufus, *LL.D.*, 349.
- Kirkland, *Rev.* John T., *D.D.*, 340, 431.
- Kittredge, *Dr.* Thomas, 407.
- Kittredge, *Mrs.* Thomas, 407.
- Knight, *Miss* Lucy, 380, 382, 383, 385, 399, 400.
- Knox, Vicessimus, 398, 400.
- L.
- La Luzerne, *Chevalier* Anne C. de, 293.
- Langdon, *Hon.* John, 386.
- Lauman, James, 456, 457, 458, 459.
- Latham, Williams, *A.M.*, 132.
- Laud, *Rt. Rev.* William, 7, 10.
- Lawrence, Abbott, *A.M.*, 133.
- Lawrence, *Rt. Rev.* William, *D.D.*, 129.
- Lawrence Fund, 133, 142. Income of, 133, 142.
- Lawson, *Rev.* Deodat, 515.
- Lawyers, antipathy to, in Massachusetts in 1788, 342 *n.*
- Lea, Henry C., *LL.D.*, his name transferred to the list of Honorary Members, 251.
- Learned, Ebenezer (H. U. 1787), 338, 452. Notice of, 338 *n.*
- Leathers, *Mrs.* —, 301, 315, 356, 450.
- Lechmere, Richard, letters from him to his London correspondents in 1774, 285-290.
- Lee, *Hon.* Richard Henry, 166.
- Lee, —, 303.
- Leonard, Daniel, 288.
- Leonard, *Dr.* —, 436.
- L'Etombes, *Sieur* de, 451.
- Leverett, *Hon.* John, *Pres. of Harvard College*, 26 *n.*
- Librarian. *See* Green, Samuel A.
- Library of the Society, 1, 126, 144, 147, 151, 251, 475.
- Lincoln, Abner (H. U. 1788), 305, 439, 450.
- Lincoln, *Gen.* Benjamin, 339, 404, 405, 425.
- Lincoln, Benjamin, *Jr.*, death of, 371.
- Lincoln, *Rev.* Henry, 448, 452.
- Lincoln, Solomon, *A.M.*, 148, 534. Appointed on the Committee to nominate Officers, 1. Remarks by, on the death of Horace Gray, 265. Memoir of Lincoln F. Brigham by, 535-538.
- Little, Moses, *M.D.*, 300, 315, 320, 325, 327, 329, 330, 331, 346, 347, 348, 349, 352, 353, 355, 356, 357, 359, 361, 364, 366, 367, 369, 373, 378, 381, 387, 389, 399, 400, 415, 417, 420, 424, 440, 442, 448, 450. Notice of, 300 *n.*
- Livermore, George, *A.M.*, 131.
- Livermore, Thomas L., *A.M.*, 129.
- Lodge, *Hon.* Henry Cabot, *LL.D.*, 129, 145, 152 *et seq.*, 234.
- Lord, Arthur, *A.M.*, 129, 143, 145. Appointed on the Committee to examine the Treasurer's accounts, 1.
- Loring, Charles G., *A.M.*, remarks on the death of, by the President, 251; by T. K. Lothrop, 268. Memoir of, to be written by Edward J. Young, 291.
- Lothrop, Thornton K., *LL.B.*, 254. Re-elected a member of the Council, 148. Remarks by, on the death of Charles G. Loring, 268.
- Lowell, A. Lawrence, *LL.B.*, 232. Appointed on the Committee to nominate Officers, 1.
- Lowell, *Hon.* James R., *D.C.L.*, 5, 465.
- Lowell, *Rev.* John, 292, 319 *n.*
- Lowell, *Hon.* John, *LL.D.* (H. U. 1760), 341.
- Lowell, *Hon.* John, *LL.D.* (H. U. 1786), 311, 312.
- Lowell, *Hon.* John, *LL.D.* (H. U. 1843), 134, 254, 256.
- Lowell Fund, 134, 142. Income of, 134, 142.
- Lyman, Arthur T., *A.M.*, 128.
- Lyman, Theodore, *Jr.* (H. U. 1810), 235.
- Lyman, *Hon.* Theodore, *LL.D.*, 235.
- Lyons, Richard B. P., *Earl*, 466.
- M.
- Macaulay, Thomas Babington, *Baron*, 7, 10, 12.
- Maccarty de Martegues, *Chevalier*, 451.
- McCleary, Samuel F., *A.M.*, 128.
- McCleary, *Misses* Cornelia and Helen, 146.
- McCrady, Edward, *A.B.* Elected a Corresponding Member, 151.
- McHard, —, 377.
- McIntier, —, 320.
- McKeen, *Rev.* Joseph, 421.
- McKenzie, *Rev.* Alexander, *D.D.* Re-appointed on the Committee to publish the Proceedings, 151.
- McKinstry, *Miss* Sarah, 333.
- McMaster, John Bach, *LL.D.*, 128.

McPherson, *Capt.* —, 431.
 Madison, James, *Pres. of the United States*, 164, 167, 173, 240.
 Marblehead, *Mass.*, assembly at, in March, 1788, 396.
 Marbois, François Barbé de, 293.
 Marchant, Henry, 457, 458, 459.
 Marquand, Joseph, 397, 442.
 Marquand, *Mrs.* Joseph, 387, 388.
 Marsh, Jonathan, 417.
 Marsh, *Capt.* —, 348.
 Martin, *Mrs.* —, 181.
 Mason, *Hon.* George, 152, 165, 166, 173.
 Massachusetts, Convention in, to ratify the Federal Constitution, 349, 367, 371, 373, 378, 379, 381.
 Massachusetts, State Constitution of, 242. Limitations on the power of the Governor, 243. Definite powers of, 245.
 Massachusetts Historical Trust Fund, 131, 142. Income of, 131, 140, 142, 477.
 Masson, David, *LL.D.*, 5.
 Mather, *Rev.* Cotton, *D.D.*, 490, 510, 514, 516. His *Magnalia* cited, 178.
 Mead, *Rev.* Samuel, 408. Notice of, 408 *n.*
 Mecom, Benjamin, 205, 208, 211, 216, 219, 221, 223.
 Meetings of the Society, 1, 126, 151, 233, 251, 291, 477. Annual Meeting, 126. Stated meetings to be omitted during the summer, 249.
 Merriman, *Mrs.* Helen Bigelow, 131.
 Meyer, —, 458, 459.
 Minot, *Hon.* William, *LL.D.*, 132.
 Minot, William, *Jr.*, *LL.B.*, 132.
 Moody, *Rev.* Joshua, 180, 181.
 Moody, Samuel, 361, 362, 370.
 Moore, *Sir* Henry, *Gov. of New York*, 209.
 Morland, —, 400.
 Morris, Gouverneur, 173.
 Morris, Robert Hunter, *Gov. of Penn.*, 74–77.
 Morris, Thomas, 462.
 Murray, James A. H., *D.C.L.*, 4.
 Murray, *Col.* John, 287.
 Murray, *Rev.* John, *Gloucester*, 453.
 Murray, *Rev.* John, *Newbury*, 325, 326, 358, 403, 443. Notice of, 358 *n.*

N.

Napoleon III., *Emperor of France*, 469.
 Neal, *Capt.* Walter, 175, 177.
 Newell or Newhall, *Miss* —, 424, 442.
 Newell's tavern (Newhall's), *Lynn*, 414, 451.
 Newport, *R. I.*, in 1788, 459.

Noble, John, *LL.D.*, 130. Paper by, on Suicide in Massachusetts, 521–532.
 Norcross, Grenville H., *LL.B.*, elected a Resident Member, 251. Communicates some letters of John Quincy Adams, 532.
 Norton, Charles E., *LL.D.*, 125, 126, 146.
 Norton, *Rev.* Jacob, 412, 413, 431.
 Noyes, *Rev.* Nicholas, 513, 515, 516, 517, 519.

O.

Odiorne, George, 328, 411.
 Oliphant, *Dr.* —, 459.
 Oliver, *Rev.* Daniel, 395.
 Oliver, Fitch Edward, *M.D.*, 234.
 Orne, Azor, 395, 399.
 Otis, *Hon.* Harrison Gray, 433.
 Otis, Samuel Allyne (H. U. 1759), 310.

P.

Pach Brothers, *Messrs.*, 146.
 Packard, *Rev.* Asa, 313.
 Packard, *Rev.* Hezekiah, 305, 309, 310, 312, 320, 342, 344, 374, 407, 413. Notice of, 305 *n.*
 Paine, *Rev.* Joshua, *Jr.*, 310. Notice of, 310 *n.*
 Paine, Nathaniel, *A.M.*, 130, 145, 146.
 Paine, Robert (H. U. 1789), 409.
 Paine, *Hon.* Robert Treat, 313, 314.
 Paine, *Hon.* Timothy, 287.
 Palfrey, John C., *A.M.*, elected a Resident Member, 477.
 Palmer, *Rev.* Stephen, 431.
 Palmerston, Henry J. Temple, *Viscount*, 466.
 Parish, *Rev.* Ariel, 361.
 Parish, *Rev.* Elijah, 356 *n.*
 Parker, *Hon.* Francis E., *LL.D.*, 254.
 Parker, James, letters from, to Benjamin Franklin, 186–232. Agreement with Franklin for carrying on the printing business, 186. Made a land waiter at New York, 209. Death of, 228.
 Parker, *Mrs.* Mary, letter from, to Benjamin Franklin, 228.
 Parker, Samuel, 213.
 Parker, Samuel F., letter from, to Benjamin Franklin, 228.
 Parker, —, 351.
 Parker, *Mrs.* —, 351.
 Parsons, *Gen.* Samuel H., 235.
 Parsons, *Hon.* Theophilus, *LL.D.*, 292, 295 *n.*, 299, 315, 318, 320, 321, 322, 323, 325, 326, 327, 328, 329, 331, 334, 345, 346, 348, 349, 351, 353, 356, 357, 358, 360, 361, 367, 369, 379, 380, 381, 383,

- 385, 387, 394, 396, 397, 399, 400, 401, 402, 403, 405, 406, 407, 417, 418, 419, 421, 423, 426, 427, 428, 445, 451, 452. Strongly favors the Federal Constitution, 331. His advice to J. Q. Adams about reading, 349. Extent of his information, 351. His professional knowledge, 358. His fondness for telling about what was done in the Convention of 1788, 380. His greatness as a lawyer, 411 *n*.
- Parsons, *Mrs.* Theophilus, 425.
- Parsons, William, 345, 403.
- Patten, *Miss* —, 409.
- Payne, John, Register of Probate for Suffolk County (1749, 1754, 1755-1759), account of, 69-71. Autograph of, 69.
- Peabody, *Rev.* Andrew P., *D.D.*, 21.
- Peabody, George, 131.
- Peabody, —, *Exeter, N.H.*, 385, 386.
- Peabody Fund, 131, 142. Income of, 131, 141, 142.
- Pearl Ash Works at Haverhill, Mass., 301.
- Perkins, Augustus T., *A.M.*, 235.
- Perry, *Rev.* Arthur L., *D.D.*, 130.
- Peterson, *Capt.* —, 460.
- Phi Beta Kappa Society, 309, 310, 311, 312, 313, 444, 450, 455.
- Phillips, *Hon.* John (H. U. 1788), 305, 311, 408, 409, 438, 440, 446, 455.
- Phillips, *Miss* —, 399, 423.
- Pickering, *Hon.* John (H. U. 1761), 385.
- Pickman, Benjamin (H. U. 1784), 387, 389, 392, 393, 394, 395, 396, 399, 400, 405, 406, 413, 414, 415, 416, 419, 420, 421, 422, 423, 425, 426, 427, 429, 442, 445.
- Piscataqua, Some Early Religious Matters at the, paper on, by James De Normandie, 175-181. Bickerings and animosities between the governors of Massachusetts and the Piscataqua, 175. Warm devotion of the latter to the Established Church of England, 176-178. Richard Gibson, first minister of the South Parish in Portsmouth, 179. Joshua Moody, second minister, 180, 181.
- Poore, Benjamin, 291.
- Porter, *Rev.* Ambrose, 422.
- Porter, —, 303.
- President. *See* Adams, Charles F.
- Priestley, *Rev.* Joseph, *D.D.*, his Lectures on History and General Policy, 431, 441.
- Prince, *Miss* —, 389, 390.
- Proceedings of the Society. Serials published, 125, 250, 534. New volume of, 250. Cited *passim*.
- Prout, William W., 379, 427.
- Providence, *R. I.*, in 1788, 456.
- Putnam, Frederick W., *A.M.*, 130.
- Putnam, *Hon.* Samuel, *LL.D.* (H. U., 1787), 300, 325, 327, 329, 330, 331, 335, 345, 346, 347, 348, 349, 352, 354, 355, 356, 361, 363, 367, 369, 372, 373, 374, 376, 378, 381, 382, 385, 387, 391, 392, 394, 396, 397, 399, 401, 402, 403, 405, 414, 417, 418, 420, 421, 422, 423, 424, 427, 442, 444, 445, 447, 448, 449, 450.
- Putnam, *Miss* —, 378, 383, 385.
- Pynchon, William, 387.

Q.

- Quincy, *Mrs.* Ann, 307, 413, 430.
- Quincy, *Mrs.* Josiah, *Jr.*, *Boston*, 430.
- Quincy, Josiah P., *A.M.*, 127.
- Quincy, *Miss* Nancy, 307, 332.
- Quincy, Norton, 341, 430, 437.
- Quincy, *Miss* —, 411, 413.

R.

- Ranck, George W., 128.
- Rand, *Dr.* —, 442.
- Ranke, Leopold von, 4.
- Read, Nathan (H. U. 1781), 304. Notice of, 304 *n*.
- Read, —, 414.
- Recording Secretary. *See* Young, Edward J.
- Redington, —, 348.
- Reynolds, John P., *Jr.*, 146.
- Rhodes, James F., *LL.D.*, 157. Remarks by, on the death of S. R. Gardiner, 3. Re-elected a member of the Council, 148.
- Rice, *Hon.* Alexander H., *LL.D.*, 467.
- Rice, *Col.* Nathan, 337, 338, 339.
- Richard Frothingham Fund, 132, 142. Income of, 132, 139, 142.
- Richmond Hill, New York, *Mrs.* John Adams's description of, 461.
- Ridgway, *Miss* Henrietta B., 126, 145.
- Robert C. Winthrop Fund, 133, 142. Income of, 133, 142.
- Roberts, *Miss* —, 415, 416, 446.
- Robertson's tavern, *Salem*, 374.
- Rogers, —, 380.
- Rolfe, Benjamin, Register of Probate for Suffolk County (1722-3, 1726-8), account of, 53-57. Autograph of, 53.
- Romain, —, 443, 447, 450.
- Rosebery, Archibald Philip Primrose, *Earl of*, 7.
- Roxbury Latin School, 35.
- Royall, Jacob, 285, 287.
- Royle, Joseph, 193, 194, 210, 215.
- Ruggles, *Gen.* Timothy, 287, 288.
- Russell, Daniel, 452.
- Russell, —, 393.

- S.
 Sainneville, *Marquis de*, 451.
 Sanders, *Rev. Daniel C.*, 439.
 Sargeant, *Hon. Nathaniel P.*, 298, 303, 333, 340, 406.
 Savage, *Hon. James, LL.D.*, 131, 253.
 Savage Fund, 131, 142. Income of, 131, 139, 142, 144.
 Sawyer, *Dr. Micajah*, 389, 393, 416. Notice of, 389 *n*.
 Sawyer, *Mrs. Micajah*, 389.
 Sawyer, William (H. U. 1788), 395, 396, 399.
 Schofield, William H., *Ph.D.*, 272.
 Schouler, James, *LL.D.*, 130. Appointed on the Committee to nominate Officers, 1. Presents the Annual Report of the Council, 126. Presents a large collection of letters and papers to the Society, 477.
 Schouler, *Gen. William*, papers of, given to the Society, 477.
 Schwab, John C., *Ph.D.*, elected a Corresponding Member, 251.
 Scudder, Horace E., *Litt.D.*, 128, 130. Memoir of, to be written by A. V. G. Allen, 19.
 Searle, Mr. and Mrs. George, 419.
 Sears, *Hon. David, A.M.*, 131.
 Secession of 1861, 168, 169.
 Sewall, *Hon. David*, 341, 436.
 Sewall, *Hon. Samuel, Chief Justice*, 43, 44, 49, 517, 518, 523. His Diary cited, 26 *n.*, 27, 28 *n.*, 33, 41 *n.*, 43, 48 *n.*, 54-56, 83. Portrait of, by Smibert, given to the Society, 126, 145. Warrant issued by, in a case of suicide, 521.
 Sewall, *Hon. Stephen, Chief Justice*, 38 *n*. Notice of Paul Dudley by, 38-40.
 Seward, *Hon. William H.*, 466.
 Shattuck, George O., *LL.B.*, 2.
 Shaw, *Rev. John*, 296, 298, 301, 302, 303, 332, 333, 334, 335, 348, 351, 352, 376, 377, 385, 400, 431, 442, 448, 452. Notice of, 296 *n*.
 Shaw, *Mrs. John*, 377, 431, 448, 452.
 Shaw, Josiah C. (H. U. 1789), 409.
 Shaw, *Hon. Lemuel, LL.D.*, 252, 255, 256, 263, 265, 267.
 Shaw, *Capt.* —, 460.
 Shehane, John, 313, 314, 318.
 Sherman, *Gen. William T.*, 467, 468.
 Shirley, John, Register of Probate for Suffolk County (1754, 1755), 72-77. Autograph of, 72.
 Shirley, William, *Gov. of Mass.*, 72, 73.
 Sibley, *Mrs. Charlotte A. L.*, death of, 21. Will of, *ib*.
 Sibley, *Rev. John L.*, 20, 21, 127.
 Siddons, *Mrs. Sarah*, 388.
 Sigourney, —, 403.
 Slafter, *Rev. Edmund F., D.D.*, 130, 150.
 Slave trade, Newport, R. I., largely interested in, 459.
 Smallpox in Newburyport, 417.
 Smibert, John, his portrait of Chief Justice Samuel Sewall given to the Society, 126, 145.
 Smith, Charles C., *A.M.*, 23, 125, 146, 150, 186, 294, 534. Submits his Annual Report as Treasurer, 130. Re-elected Treasurer, 148. Re-appointed on the Committee to publish the Proceedings, 151. Remarks by, on the death of George B. Chase, 235. Remarks by, in communicating some letters of Richard Lechmere, 284.
 Smith, *Miss Elizabeth*, 340, 431, 445.
 Smith, Goldwin, *D.C.L.*, 151 *et seq*.
 Smith, *Rev. Hezekiah*, 303, 348.
 Smith, Horace J., 146.
 Smith, *Deacon Isaac*, 307, 310, 334.
 Smith, *Rev. Isaac*, 305, 410.
 Smith, *Miss Rosamund L.*, 145.
 Smith, Samuel, 198.
 Smith, *Miss S., Sandwich*, 337.
 Smith, William (H. U. 1775), 317, 326, 341, 345, 429, 451, 453.
 Smith, *Rev. William*, 413.
 Smith, *Col. William S.*, 461.
 Smith, *Dr.* —, 376, 378, 383, 401, 417.
 Smith, —, 323, 324.
 Smith, *Miss* —, 378, 379, 383, 385, 402, 424.
 Sohler, —, 335.
 Sohler's (Sawyer's) tavern, *Newburyport*, 321, 322, 327, 372, 375, 379, 415, 419, 422, 426.
 South Carolina nullification, 168, 169.
 Spedding, James, 5.
 Spring, *Rev. Samuel, D.D.*, 347, 353, 390, 393, 395, 400, 417, 423, 443, 446, 447. Notice of, 347 *n*.
 Stacey, George (H. U. 1784), 322, 326, 360, 395, 396, 399, 401, 406, 417, 422, 424, 427, 428, 442, 443, 444, 445, 446, 447, 448, 449, 450.
 Stark, *Major Caleb*, 333.
 Stebbins, N. L., 146.
 Stedman, William (H. U. 1784), 299, 300, 309, 321, 322, 327, 341, 342, 348, 409, 413, 457 *n*.
 Stiles, *Miss* —, 458.
 Stewart, Gardiner, gifts from, 19, 20.
 Stewart, Thomas, 19.
 Stewart, Thomas J., 19.
 Stewart, —, 460.
 Stone, *Rev. Samuel*, 502, 503, 505.
 Storer, *Deacon Ebenezer*, 340, 429.
 Story, *Hon. Joseph, LL.D.*, 126, 241.
 Story, Waldo, 126, 145.
 Story, William W., *D.C.L.*, 126, 145.
 Story, *Rev.* —, 447.

- Strawberry Bank (Portsmouth, N. H.), 176.
 Street, *Miss* —, 307.
 Strobel, Edward H., *A.B.*, 128.
 Stuart, John, claims to be the only authorized Notary Public in Boston, 45 *n.*
 Stubbs, *Rt. Rev.* William, 128.
 Suffolk County, Registers of Probate for, paper on, by John T. Hassam, 23-125. Paul Dudley, 24; Joseph Marion, 42; John Boydell, 48; Benjamin Rolfe, 53; Andrew Belcher, 58; John Payne, 69; John Shirley, 72; John Cotton, 77; William Cooper, 83; Buildings used for the Registry, 104-125.
 Suicide in Massachusetts, J. Q. Adams's opinion of the laws against, 375. Paper on, by John Noble, 521-532. Colony law in reference to, 524. Subsequent legislation, 526. Present state of the law, 527, 529.
 Sullivan, Francis S., his Lectures on the Constitution and Laws of England, 328, 355, 356, 357.
 Sullivan, *Hon.* James, 324, 341, 428. Notice of, 324 *n.*
 Sullivan, John (H. U. 1790), 430.
 Sumner, *Hon.* Charles, *LL.D.*, 477.
 Sumner, *Hon.* Increase, 341.
 Sumner, John O., *A.B.*, 128.
 Swett, *Dr.* John B., 315, 329, 350, 353, 354, 365, 367, 373, 389, 415, 417, 452. Notice of, 315 *n.*
 Swett, *Mrs.* John B., 353, 367, 368, 389.
 Symmes, William (H. U. 1780), 323, 333, 362, 452. Notice of, 323 *n.*
- T.
- Tappan, Amos (H. U. 1788), 439.
 Tappan, *Rev.* David, 297 *n.*, 299, 302.
 Tappan, Lewis, letter to, from J. Q. Adams, 533.
 Taylor, *Miss* —, 427.
 Thacher, Thomas C. (H. U. 1790), 431.
 Thaxter, Caleb, 337, 339, 428.
 Thaxter, *Col.* John, 338, 339.
 Thaxter, John, 298, 301, 302, 325, 334, 335, 336, 340, 348, 359, 376, 377, 385, 406, 442, 452. Notice of, 302 *n.*
 Thaxter, *Mrs.* John, 351, 406.
 Thaxter, Quincy, 339, 437.
 Thayer, James B., *LL.D.*, 2, 19, 130. Death of, 1, 128. Tributes to, by John C. Gray, 13; S. Lothrop Thorndike, 14; Melville M. Bigelow, 148. Memoir of, to be written by Mr. Thorndike, 19.
 Thayer, Nathaniel, *A.M.*, 131.
 Thayer, William R., *A.M.*, 127, 232. Elected a member of the Council, 148.
 Thompson, *Deacon* Thomas 316, 387, 415.
 Thompson, Thomas W. (H. U. 1786), 299, 300, 315, 316, 318, 321, 322, 325, 327, 329, 330, 331, 345, 346, 347, 348, 349, 352, 353, 356, 366, 369, 370, 378, 379, 381, 385, 387, 391, 392, 393, 394, 395, 397, 401, 403, 405, 415, 416, 417, 418, 419, 420, 421, 422, 424, 425, 426, 428, 432, 442, 444, 445, 446, 447, 448, 450. Notice of, 299 *n.*
 Thorndike, S. Lothrop, *LL.B.*, 128, 147. Appointed on the Committee to examine the Library and Cabinet, 1. Tribute to James B. Thayer, 14. Appointed to write the memoir of Mr. Thayer, 19.
 Thurston, *Rev.* Benjamin, 386.
 Thwaites, Reuben G., elected a Corresponding Member, 251.
 Ticknor, George, *LL.D.*, 465.
 Titcomb, *Gen.* Jonathan, 323, 332, 349, 350.
 Tocqueville, Alexis de, 469.
 Toppan, Robert N., *A.M.*, 128.
 Toppan, *Rev.* —, 400.
 Townsend, Horatio (H. U. 1783), 315, 317, 318, 319, 320, 321, 322, 323, 326, 327, 331, 334, 335, 346, 347, 348, 349, 350, 352, 353, 355, 356, 366, 367, 368, 369, 370, 373, 379, 380, 381, 382, 383, 384, 385, 387, 389, 390, 391, 392, 393, 394, 395, 397, 400, 401, 402, 427, 428, 434, 438, 443, 445, 446, 447, 448, 449, 450, 457.
 Townsend, *Miss* Mary Prince, 132.
 Townsend's tavern, *Newport, R. I.*, 457.
 Tracy, John, 316, 320, 321, 345, 350, 368, 383, 425, 426, 427, 448. Notice of, 316 *n.*
 Tracy, *Mrs.* John, 320, 368.
 Tracy, Nathaniel, 396, 397. Notice of, 396 *n.*
 Tracy, *Mrs.* Nathaniel, 397 *n.*
 Treadwell, John D. (H. U. 1788), 408.
 Treasurer. *See* Smith, Charles C.
 Trelawney, Robert, 179.
 Trowbridge, *Judge* Edmund, 432.
 Tucker, *Miss* Alice, 352. Her estimate of Rev. Elijah Parish, 356 *n.*; of Samuel Moody, 361 *n.*; of Miss Cazneau, 362 *n.* Her visits to Mrs. Nathaniel Tracy, 397 *n.*
 Tucker, *Rev.* John, *D.D.*, 319, 331, 333, 334, 347, 350, 353, 367, 380, 396, 448, 454.
 Tudor, *Hon.* William, 314.
 Tufts, Cotton, *M.D.*, 295 *n.*, 307, 308, 341, 345, 411, 431, 438, 455.
 Tufts, Cotton, *Jr.*, 411.
 Tufts, *Mrs.* Cotton, *Jr.*, 411.

Tufts, *Miss* Dorothy, married to George Odiorne, 328.

Tufts, Samuel, 299, 300, 301, 318, 322, 325, 327, 328, 329, 415, 448, 452.

Tufts, *Mrs.* Simon, 304.

Tyng, *Hon.* Dudley A., *LL.D.* See Atkins, Dudley, *Jr.* Notice of, 319 *n.*

U.

United States Constitution and the Union, Historical Conception of the, paper on, by Daniel H. Chamberlain, 151-173. Dictum of Goldwin Smith on the subject, 151; of H. C. Lodge, 152. State of public opinion in 1830 and 1860, 153. When Webster replied to Hayne, the popular idea of the Constitution was that it created a national government, 155. Associated action on the part of the Colonies before 1776, 156. Weakness of the Confederation, 158. Sources from which an answer to the question as to the character of the government formed in 1789 may be sought, 159. Declarations in the Constitution, 160. Creation of the judicial power, 162. The supposed right of secession, 164. Action of the State Conventions, 165. In Virginia, *ib.* Letter from Madison to Hamilton while the New York Convention was sitting, 167. Sentiments favoring a dissolution of the Union, 168. The Hartford Convention and nullification in South Carolina, 169. The attempted secession of 1861, 170. Result of the inquiry, 171 *et seq.*

Upham, William P., *A.M.*, 275, 279 *n.* 280. Paper by, on shorthand books in the Library of the Society, 475.

V.

Vassall, Leonard, house of, at Quincy, 411 *n.*

Vaughan, —, 473.

Vice-President. See Green, Samuel A., and Coolidge, T. Jefferson.

Villari, Pasquale, 128.

Virginia and Kentucky Resolutions of 1798 and 1799, 168, 169.

"Vision, The," poem by J. Q. Adams, quotations from, 399, 400, 405.

Vose, Solomon (H. U. 1787), 339.

Votes of the Society. To omit meetings during the summer, 249. In regard to the income of the Massachusetts Historical Trust Fund, 477.

W.

Wales, George W., *A.M.*, bequest of, 477.

Ward, *Rev.* Nathaniel, 279.

Warden, Church, title for parish officers, used by various denominations in Portsmouth, N. H., 178.

Ware, *Rev.* Henry, *D.D.*, 304, 310, 312, 337, 338, 413, 439.

Warland, —, 312, 451.

Warnerton, Thomas, 175, 177.

Warren, George, 413, 436.

Warren, Henry, 435.

Warren, *Gen.* James, 413, 435.

Warren, J., 307.

Warren, *Mrs.* Mercy, 413, 433, 435, 436.

Warren, *Hon.* Winslow, *LL.B.*, 290.

Washburn, *Mrs.* Alexander C., 144.

Washington, *Gen.* George, *Pres. of the United States*, 152, 166, 173, 461, 463, 464.

Waterhouse, Benjamin, *M.D.*, 409, 429, 450.

Waterman, Foster (H. U. 1789), 431.

Waters, —, 412.

Waterston, *Rev.* Robert C., 133, 134, 145, 319 *n.*

Waterston Fund, 134, 142. Income of, 142.

Waterston Fund No. 2, 134, 142. Income of, 142.

Waterston Library, 134, 135, 142, 144.

Waterston Publishing Fund, 133, 142. Income of, 133, 142.

Weather in New England, sudden changes in, 318.

Webber, Samuel, *Pres. of Harvard College*, 304, 423.

Webster, *Hon.* Daniel, *LL.D.*, 152, 153, 155, 160, 235.

Webster, *Rev.* Samuel, 426, 448.

Weed, Thurlow, 465.

Welch, *Rev.* Francis, 296.

Welch, *Mrs.* —, 431.

Weld, *Rev.* Ezra, 307.

Weld, —, 412.

Welde, *Rev.* Thomas, 507.

Welsh, Thomas, *M.D.*, 310, 435, 453.

Wendell, Barrett, *A.B.*, 19, 125, 150.

Wendell, —, 382, 383.

Wendell, *Miss* —, 421, 424.

Wentworth, *Sir* Thomas, 7, 10.

West, *Rev.* Samuel, 438.

Wetmore, William, 313, 314.

Weyman, William, 214.

White, John, 297, 301, 333, 348, 351, 352, 377, 406, 442, 452.

White, Leonard (H. U. 1787), 297, 301, 302, 303, 332, 335, 348, 351, 372, 373, 376, 377, 406, 442. Notice of, 297 *n.*

Whitfield, *Rev.* Henry, 492, 493, 495, 496, 497.

- Whitfield, Nathaniel, 500.
 Whitmore, William H., *A.M.*, 276.
 Whitney, Henry A., *A.M.*, 235.
 Wibird, *Rev.* Anthony, 307, 340, 410, 411, 430, 431, 435, 436, 437, 438, 453. Notice of, 307 *n.*
 Wigglesworth, Edward (H. U. 1749), 300, 309, 313, 341, 343, 409, 432, 440.
 Wigglesworth, Edward S. (H. U. 1789), 409.
 Wigglesworth, *Miss* Margaret, 300 *n.*, 301, 309, 341, 410.
 Wigglesworth, *Miss* Sarah, 392.
 Willard, Joseph, *Pres. of Harvard College*, 309, 313, 438, 439, 440. Notice of, 309 *n.*
 Willard, *Mrs.* Joseph, 309.
 Willard, Josiah, *Secy. of Province of Mass.*, 43.
 Willard, *Miss* Sophia, 309.
 William Amory Fund, 133, 142. Income of, 133, 142.
 William Winthrop Fund, 132, 142. Income of, 132, 141, 142, 144.
 Williams, *Miss* Jenny, 413.
 Williams, Samuel (H. U. 1787), 341, 347.
 Williams, *Dr.* —, 334, 413.
 Williams, —, 451.
 Williamson, Joseph, *Litt. D.*, death of, 477.
 Willis, *Capt.* Benjamin, 303.
 Winslow, *Rev.* Edward, 459.
 Winslow, *Mrs.* Sarah Tyng, 319 *n.*
 Winslow, —, 326, 334.
 Winslow, *Miss* —, 459.
 Winsor, Justin, *LL.D.*, 12.
 Winthrop, *Hon.* James, 304, 309.
 Winthrop, John, *Gov. of Mass.*, 175, 177, 179, 275, 276, 277, 278, 279, 280.
 Winthrop, *Hon.* Robert C., *LL.D.*, 133, 234, 465.
 Winthrop, William, 132.
 Woodward, —, 451.
 Wright, Chauncey, 15.
 Wright, *Judge* Edwin, 122.
 Wright, —, 456.
 Wyer, *Capt.* William, 331, 333, 357.
 Wyeth, *Dr.* Tapley, 407.

Y.

- Yale University, 145.
 Young, *Rev.* Alexander, *D.D.*, 145.
 Young, *Dr.* David, consults Theophilus Parsons about his suit for a wound received in Shays's Rebellion, 445.
 Young, *Rev.* Edward J., *D.D.*, 130, 145.
 Re-elected Recording Secretary, 148.
 Re-appointed on the Committee to publish the Proceedings, 151. Appointed to write the memoir of Charles G. Loring, 291.

